

February 2005

**Section 9
Environmental Protection Act
R.S.O. 1990**

**GUIDE TO APPLYING
FOR
APPROVAL (AIR & NOISE)**

**CONTENTS OF THIS DOCUMENT ARE SUBJECT
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PIBS 4174e

Protecting our environment.



Ontario

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FOREWORD

The Ministry of the Environment's (ministry) approvals program requires that all undertakings requiring approval under ministry legislation are carried out in accordance with the Acts and applicable Regulations and Guidelines administered by the ministry. These requirements are updated from time to time by the ministry as environmental standards and environmental management approaches are modified. This document replaces "Guide for Applying for Approval (Air)" dated January 2000 and "Guide to Applying for Approval (Air): Noise and Vibration" revised April 1998.

As these requirements are changed, the information needed to demonstrate compliance with them may also change. In recognition of this, the ministry will update this document to reflect the most current requirements. All web site addresses referred in this document were current at the time of release.

While every effort has been made to ensure the accuracy of the information contained in this guide, it should not be construed as legal advice.

For any addenda or revisions to this guide please visit the ministry website at:

<http://www.ene.gov.on.ca/envision/gp/index.htm>

or contact:

Environmental Assessment and Approvals Branch
Ministry of the Environment
2 St. Clair Avenue West, Floor 12A
Toronto, Ontario
M4V 1L5

Telephone: (416) 314-8001
or: 1-800-461-6290
Fax: (416) 314-8452
Email: EAABGen@ene.gov.on.ca

PART 1 - INTRODUCTION

1.1 Purpose

The Environmental Assessment and Approvals Branch (EAAB) is responsible for reviewing applications for approval of facilities under the *Environmental Protection Act* (EPA), the *Ontario Water Resources Act* (OWRA) and related environmental legislation. The EAAB goals are to maintain high standards for environmental protection, human health protection and resource conservation, to provide fully integrated services that are continuously improving and to support clear and productive relationships with all applicants.

This Guide to Applying for Approval (Air and Noise) (Guide to Applying) is the primary guidance for applicants under Section 9 of the EPA, R.S.O. 1990, Chapter E-19. This document provides an overview of the Section 9 approvals process as outlined in Figure 1 and describes the minimum information requirements that must be included with every application in order for the application to be considered complete.

Applicants are accountable to follow the requirements of this document. Incomplete applications will be screened out of the approvals process at the time of submission and may be cancelled and returned. Applications that contain technical deficiencies may be refused. Applicants are expected to read this document thoroughly and submit applications that contain all the required information so that application may be processed in a timely manner.

1.2 Background

Certificates of Approval (CofAs) are required by the EPA and the OWRA for specific activities related to sewage works, air and noise emissions, and waste management activities. Approvals are required by the *Safe Drinking Water Act*, 2002 for specific activities related to drinking-water systems.

Section 9 of the EPA forms the basis for the Air and Noise Approval Program in Ontario. The wording of Section 9 is broad, with the result that most industrial processes or modifications to industrial processes and equipment require approval.

The ministry can issue a CofA after receipt of a complete application that demonstrates compliance with the ministry requirements under the EPA, applicable Regulations and Guidelines. The purpose of the CofA is to require that the proposed activities or changes to the activities are established, altered, extended or replaced in accordance with ministry requirements and to place legally binding requirements on the owner/operator of the facility that are intended to prevent or mitigate environmental impacts. In addition, CofAs can include performance standards that:

- protect human health and the environment by reducing the potential for harmful effects;
- require a facility to conform to generally accepted engineering practices with the expectation that it will operate reliably;
- provide minimum requirements for compliance as set out in the EPA, applicable Regulations and Guidelines; and
- place specific responsibilities on facility owners and operators.

Each CofA is site-specific and can be tailored to the individual circumstances and characteristics of the facility and its local environment. Issuance of a CofA however is not a guarantee that the equipment or facility will operate in compliance with the Act or applicable regulations or guidelines. If, at any time, emissions from the equipment contravene any part of the Act, Regulation 346, or any conditions included in the CofA such contravention may become the subject of abatement or enforcement in accordance with section 186 of the Act. In addition, the Section 9 Director may or amend or revoke the CofA in accordance with the Section 9 Director's powers under the Act.

1.3 How to Use this Guide

Applicants are expected to read this Guide to Applying prior to submitting an application to the EAAB. This Guide to Applying lists the minimum information requirements that must be included with all applications. The Guide to Applying, however, is not intended to provide all the information required to conduct and document a detailed assessment of the air, noise and vibration emissions from a facility. Applicants are referred to the technical supporting procedure documents referenced (see Appendix 1 – References) in this document for further instruction on the technical supporting information requirements.

For reference purposes the following table outlines the information contained in the various parts of this Guide to Applying:

Part	Contents
2 Regulatory Framework	Provides an overview of the requirements that are considered by the Section 9 Director prior to issuing an approval and the types of approvals that may be issued
3 Approvals Process	Explains in detail each step of the approvals process as outlined in Figure 1
4 Instructions for Completing the Application Form	Outlines the information that must be included in a complete application form
5 Technical Supporting Information	Provides an overview of the technical supporting information that must accompany an application and where to get more information on the reporting requirements
6 Additional Information Requirements for a Basic Comprehensive CofA	Outlines additional information to define the operating envelope that must be

Part	Contents
	included with applications for a Basic Comprehensive CofA

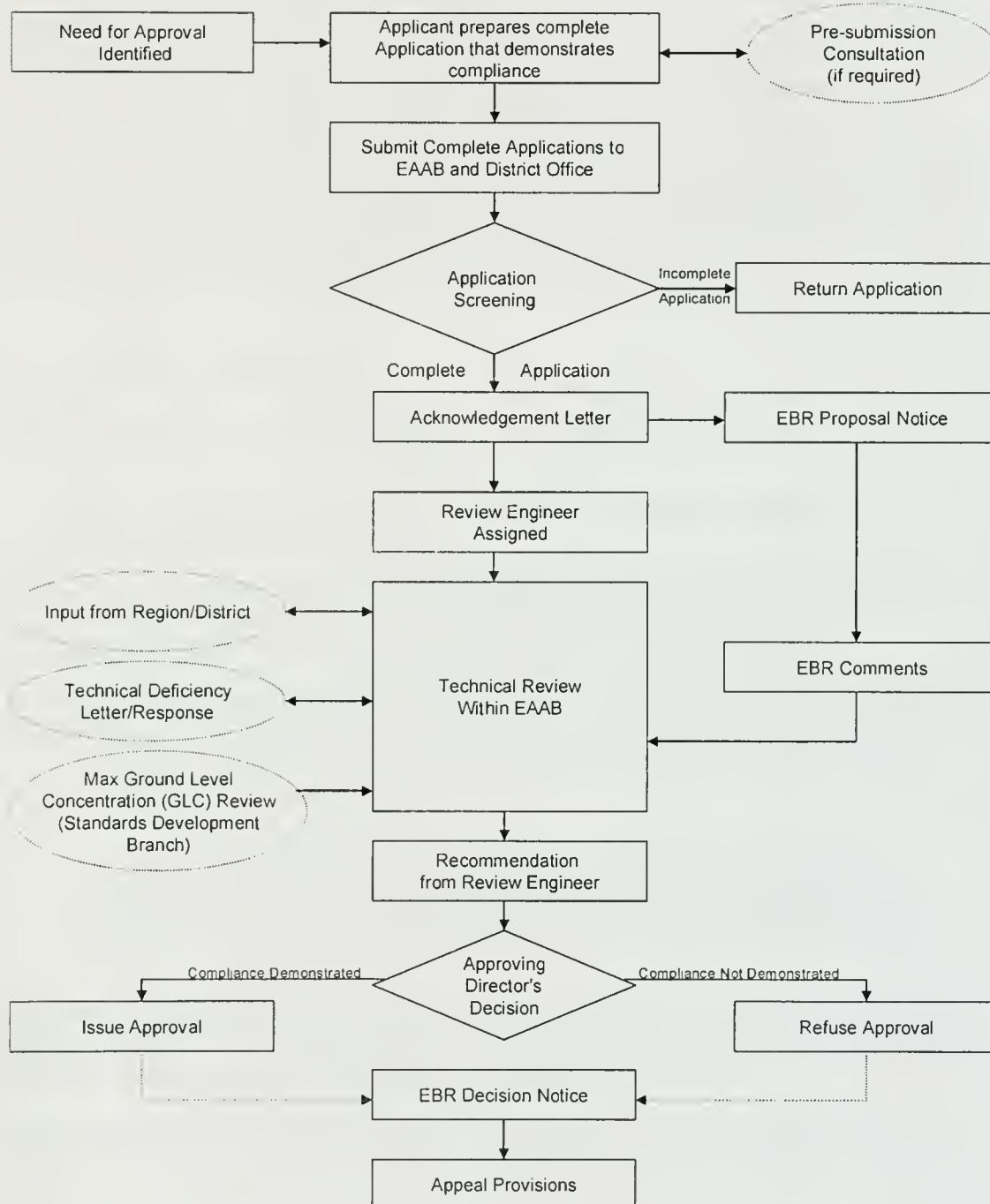
1.4 Questions

If an applicant still has questions regarding the filing of applications for approval after reviewing this document, a Client Service Representative from the EAAB will be pleased to answer your questions. General information on the CofA Program is available on the ministry web site at: <http://www.cne.gov.on.ca/envision/general/cofa.htm>.

Applicants with questions regarding the legal need for an approval or the technical aspects of completing an assessment of the emissions from a facility can seek the services of qualified professionals.

FIGURE 1

Section 9 Application Process



PART 2 REGULATORY FRAMEWORK

Section 9 of the Environmental Protection Act (EPA) forms the basis for the Air and Noise Approval Program in Ontario. The EPA came into force in 1972. Section 9 requires companies to obtain an approval before construction, alteration, extension or replacement of any equipment or structure that may emit or from which may be emitted a contaminant into the natural environment, other than water. Approval is also required for the ongoing operation of any equipment that may discharge a contaminant to the atmosphere. The wording of Section 9 is broad with the result that unless explicitly exempted, most industrial processes or modifications to industrial processes and equipment require the submission of an application for a CofA. For the purpose of this Guide to Applying the terms equipment, source or facility will be used as appropriate to describe equipment that is subject to Section 9 approval.

2.1 *Need for Approval*

The need for approval is stated in Sections 9(1) and 9(7) of the EPA. These Sections read:

“9(1) No person shall, except under and in accordance with a certificate of approval issued by the Director,

(a) construct, alter, extend or replace any plant, structure, equipment, apparatus, mechanism or thing that may discharge or from which may be discharged a contaminant into any part of the natural environment other than water; or

(b) alter a process or rate of production with the result that a contaminant may be discharged into any part of the natural environment other than water or the rate or manner of discharge of a contaminant into any part of the natural environment other than water may be altered.”

“9(7) No person shall use or operate a plant, structure, equipment, apparatus, mechanism or thing for which a certificate of approval is required under clause (1) (a) unless the required certificate of approval has been issued and complied with. R.S.O. 1990, c. E.19, s. 9.”

The Section 9 Director is a person appointed by the Minister to make decisions on approvals. The supervisors of the Air and Noise Unit (ANU), and Streamline Review Unit (SRU), of the EAAB have been designated for the purposes of Section 9.

As noted above the EPA came into force in 1972, while Section 9(7) was added on June 29, 1988.

2.2 *Retroactive Approval*

While it is correct that facilities or equipment that were installed prior to 1972 and operated **unchanged** since 1972 do not require approval today, and are therefore “grandfathered” it is not the case that facilities or equipment installed between 1972 and 1988 are “grandfathered”.

The Section 9 Director **can issue** approval for existing equipment installed prior to June 29, 1988. This will facilitate issuing site-wide approvals to capture all equipment installed at a facility. As an example, facilities that have proactive environmental management systems in place that identify unapproved equipment, such as ISO 14001, may apply to have existing equipment approved. The ministry will deal with issues of non-compliance for pre June 29, 1988 equipment in a consistent manner with all identified non compliance situations based on the ministry’s Compliance Guideline (Guideline F-2).

2.3 *Information Requirements for Approval*

Under Section 9(2) the Section 9 Director may require information related to the application prior to issuing a certificate. Standard information requirements are set out in a standard application form. In addition the ministry provides detailed guidance on the supporting information required with a Section 9 application in this and other guidance documents available from the EAAB as well as file specific correspondence.

Applications are reviewed by review engineers to assess if the application demonstrates compliance with the EPA and applicable Regulations and Guidelines as outlined in this Guide to Applying. The EAAB has divided the review of Section 9 applications between two units in the branch as follows:

- Streamlined Review Unit (SRU) which reviews applications for designated equipment or process with known and easily quantifiable environmental impacts; and
- Air and Noise Unit (ANU) which reviews all other applications.

The minimum review considerations and the required supporting information for applications reviewed by the SRU and the ANU are outlined in Part 5 of this Guide to Applying. The application form and the review process are similar. An overview of the minimum supporting information requirements follows:

2.3.1 *Emission Summary and Dispersion Modelling Report*

In order to obtain approval under Section 9 of the EPA and applicants are required, as a minimum, to demonstrate compliance with Section 5 of O. Reg. 346. O. Reg. 346 is the General Air Pollution Regulation. Section 5 of O. Reg. 346 imposes concentration-based limits for contaminants and outlines a dispersion modelling process to assess compliance with these limits based on the aggregate emission rate of a contaminant from the facility.

Compliance is demonstrated through the preparation of an Emission Summary and Dispersion Modelling (ESDM) Report. The ESDM Report must be prepared in accordance with the ministry document titled *Procedure for Preparing an Emission Summary and Dispersion Modelling Report*, June 1998 (The Procedure Document). The Procedure Document was developed to provide clear directions on the process required to demonstrate compliance with Section 5 of O. Reg. 346.

The ESDM Report must include a list of the equipment that is the subject of the application and an assessment of all contaminants which are the subject of the application from the equipment and/or facility, regardless of the approval status of the equipment.

All applications must include the appropriate signed checklist provided in the Procedure Document unless an alternative process has been identified by the Streamlined Review Unit of the EAAB for a specific type of equipment or process. (See Section 5.1 of this Guide to Applying).

For more information on preparing an ESDM Report please see Section 5.1 of this Guide to Applying.

2.3.2 Noise and Vibration

The EPA defines a contaminant to include sound or vibration. In order to obtain an approval under Section 9 of the EPA, applicants are, as a minimum, required to assess and document the impacts of all sound (noise) and vibration emissions from their facility on any sensitive locations defined as a Point(s) of Reception.

The ministry has developed a series of Noise Pollution Control (NPC) Documents as a framework to determine if noise or vibration emissions from a facility are causing or are likely to cause an adverse effect.

In order to facilitate assessment of sound emissions the ministry has developed a Noise Screening Process (PIBS 4871). The Screening Process is based on a series of conservative assumptions regarding the facility type and the noise sources present at a facility. The ministry calculated a number of minimum required separation distances that will result in compliance with the ministry noise guidelines. If the actual separation distance from the facility to the closest Point of Reception is greater than the calculated minimum required separation distance, then no further action is required.

If the closest Point of Reception is closer than the minimum required separation distance calculated in the Noise Screening Process then further assessment is required. The application may still be approved as proposed and noise control measures may not be necessary; however, a more detailed noise impact assessment using site specific information on the noise sources present at the facility must be completed.

Applications that include large vibration sources such as stamping presses or large rotating equipment may be required to submit a vibration assessment.

All applications must include the appropriate assessment unless an alternative process has been identified by the Streamlined Review Unit of the EAAB for a specific type of equipment or process.

For more information on the minimum information requirements for noise and vibration see Sections 5.2 and 5.3 of this Guide to Applying.

2.3.3 Regulations

In addition to Section 5 of O. Reg. 346, other Regulations may apply to the equipment or facility that is the subject of the application. A list of some Air Pollution Related Regulations is included but not limited to the Regulations listed in Appendix 2. Copies of the Regulations are available at www.e-laws.gov.on.ca. Applicants should review the requirements of the Regulations listed in Appendix 2 and others to determine if there are additional requirements than Section 9 on the equipment/facility.

Applicants are required to comply with all applicable Regulations. Obtaining a Section 9 approval does not necessarily indicate compliance with other Regulations such as O. Reg. 127 – the Reporting regulation or vice versa.

For example, O. Reg. 349 *Hot Mix Asphalt Facilities* requires that the operation of a Hot Mix Asphalt plant meets a concentration of suspended particulate matter in grams per cubic metre in the exhaust from the facility. Applicants should specify that the equipment can meet these requirements and provide proof in the Section 9 application that the facility is capable of operating within the specified emission limits in O. Reg. 349 in addition to compliance with Section 5 O. Reg. 346.

2.3.4 Guidelines

The ministry has published a number of Guidelines that outline specific criteria in addition to Section 5 of O. Reg. 346 compliance that must be considered by the Section 9 Director during the review of an application for Section 9 Approval. A sample list of some air pollution related guidelines is included in the Appendix 3. These Guidelines are available on the ministry website at <http://www.ene.gov.on.ca/envision/gp/index.htm>. Applicants should review the requirements of the Guidelines listed in Appendix 3 and others to determine if there are additional requirements other than Section 5 of O. Reg. 346 on the equipment/facility.

When the applicant determines that a requirement of one of the air pollution related Guidelines listed in Appendix 3 applies to the equipment/facility, the applicants are required to include a statement with the application that the equipment/facility will comply with the specific requirements of that Guideline.

For example, ministry Guideline A-9 requires large boilers subject to the CCME Canada Wide NO_x standards to meet specific outlet NO_x loadings. Applicants must specify that the equipment meets these requirements and provide proof in the Section 9 application that the

equipment is capable of operating within the specified emission rates in the Guideline in addition to compliance with Section 5 of O. Reg. 346.

2.4 Exemptions

Specific exemptions for selected types of equipment have been granted through legislation. Companies are not required to obtain approval for certain activities and types of equipment which are specifically exempted by either Subsection 9(3) of the EPA or O. Reg. 524/98 “*Certificate of Approval Exemption – Air*” (“Exemption Regulation”). If the equipment is not listed in either of these pieces of legislation, and the equipment discharges a contaminant as outlined under Section 9(1) or 9(7) above, then approval is required.

In preparing an ESDM Report for a facility, all the exempted equipment located at the facility should be listed in an appendix to the ESDM Report. The emissions from exempted equipment under the Exemption Regulation may have to be accounted for when preparing an ESDM Report for the facility.

In assessing the noise emissions from a facility, some exempted equipment such as roof exhaust fans that do not exhaust an air contaminant to the environment may be a significant source of noise in relation to the other noise sources at a facility that require approval. If an applicant is unable to show through a screening assessment that the facility meets the minimum required separation distance and therefore, is required to prepare an Acoustic Assessment Report then all sources of noise must be considered in the assessment even if they are exempt from the requirements of Section 9 Approval.

2.5 Approval

CofAs are legal documents and are binding upon the applicant when issued. The holder of a CofA is responsible for compliance with all terms and conditions which may be imposed in the certificate and is liable for any contravention of the EPA, O. Reg. 346, other applicable Regulations and/or the requirements of the certificate.

The CofA may be in the form of:

- an individual equipment CofA;
- a Consolidated CofA;
- a Comprehensive CofA; or
- a Notice of Amendment to an existing CofA.

2.5.1 Individual Equipment CofA

Applicants may submit applications that deal with individual equipment or processes at a facility or modifications to existing approved or unapproved equipment or processes at the facility as the need for approval is identified.

These applications must be supported by an ESDM Report that includes an assessment for contaminants emitted from all the equipment at the facility which are in common with the contaminants emitted from the equipment that is the subject of the application.

The CofA holder is required to apply for an amendment to the individual equipment CofA before making any modifications to equipment or processes that require approval.

2.5.2 Consolidated Certificates of Approval

In meeting the requirements under Section 9 applicants may choose to include some or all equipment or processes in an application in order to group like equipment or ideally, the entire facility on one single CofA. A Consolidated Certificate of Approval (Consolidated CofA) replaces multiple existing CofAs into a single CofA and may include new or historically unapproved sources of emissions. A Consolidated CofA may include all sources of contaminants from the facility, or it may be limited to those sources that have contaminants in common with the equipment that is the subject of the review.

These applications must be supported by an ESDM Report that includes an assessment for all contaminants emitted from the facility which is the subject of the application. If the application for a Consolidated CofA is to approve all equipment at the facility then the ESDM must include all contaminants at the facility.

The CofA holder is required to apply for an amendment to the facility's Consolidated CofA before making any modifications that require approval.

2.5.3 Basic Comprehensive Certificates of Approval

Basic Comprehensive CofAs provide owners/operators with Limited Operational Flexibility to make modifications within a defined Operating Envelope without the need to seek amendment to their Basic Comprehensive CofA (for example process changes, de-bottlenecking or addition of new equipment). The result is improved efficiencies and reduced administrative costs for both Ontario industry and the ministry.

Applicants may choose to include all equipment in an application and apply to include Limited Operational Flexibility conditions by obtaining a Basic Comprehensive CofA. A Basic Comprehensive CofA replaces all existing CofAs for a facility and includes new or historically unapproved sources of emissions.

Applications for a Basic Comprehensive CofA must be supported by an ESDM Report that includes an assessment for all contaminants emitted from all equipment at the facility.

The ministry has developed additional reference materials to supplement the application guidance package and provide support for owners/operators issued with Basic Comprehensive CofAs. For more information on Basic Comprehensive CofAs refer to the ministry document entitled “Basic Comprehensive Certificates of Approval (Air): A User Guide Version 2.0” available at <http://www.ene.gov.on.ca/envision/gp/4391e.pdf>

The ministry through the Environmental Innovations Branch is developing Enhanced Comprehensive CofA’s available to companies that enter into Cooperative Agreements. For more information contact the Environmental Innovations Branch.

For more information on applying for a Basic Comprehensive CofA please see Part 6 of this Guide to Applying.

2.5.4 Notices

Notices of Amendment to Certificates of Approval are issued to approve typically minor modifications, make administrative corrections and/or modify the terms and conditions of an existing Certificate of Approval. A Notice of Amendment becomes part of the Certificate of Approval. No new CofA is issued.

2.5.5 Refusal

Under Section 9(4) the Director may refuse an application. Applications may be refused if the proposed facilities, as designed, would not be capable of compliance with the EPA and applicable Regulations and Guidelines or if the applicant fails to provide required supporting information.

2.6 Environmental Assessment Act

The purpose of the *Environmental Assessment Act* (EAA) is to ensure that the environment is protected by evaluating, avoiding, and where necessary, mitigating potential environmental impacts of proposed undertakings. In general, the EAA applies to public sector undertakings (unless exempt) and private sector undertakings designated by regulation. Works for which this application is made may be subject to the requirements of the EAA itself, or as part of a larger project that may be subject to the EAA.

The EAAB can not issue any approvals for a project until all the requirements under the EAA have been met. Therefore applicants must identify what if any, EAA requirements apply to the application and provide the applicable supporting information.

2.7 Environmental Bill of Rights

The Environmental Bill of Rights, 1993 (EBR) requires public notification of proposed legislation, policies, regulations and other legal instruments¹ that could have a significant effect on the environment. The ministry must consider any public input and then notify the public of its decision and what impact public comment on the proposal had on its decision.

Public notification is conducted through the Environmental Registry which may be accessed through the ministry's website at www.ene.gov.on.ca. For more information on the EBR or Environmental Registry please see http://www.ene.gov.on.ca/envision/env_reg/eb/english/eb_info/introduction.htm

2.7.1 Proposal Notice Requirements

Applications for Section 9 approval are classified as Class I Instruments under Regulation 681/94. The ministry is required to post a Notice of Proposal for Section 9 applications unless the discharge to be approved falls into one or more of the following categories:

- discharge of a contaminant from any one discharge point for a total of less than 10 hours in any seven-day period;
- discharge of a contaminant resulting from the preparation of food at a site for the purpose of selling the food at the site at retail or distributing it at the site free of charge;
- discharge of a contaminant resulting from operating combustion equipment, if the equipment is not fired with fuel derived from waste, other than wood waste, and is not operated for the purpose of generating heat or electricity for sale;
- discharge of a contaminant from a storage tank or vessel; or
- discharge of a contaminant from a discharge point that is less than or equal to the discharge already approved under Section 9 of the EPA for that contaminant and that discharge point.

2.8 Airborne Contaminant Discharge Monitoring and Reporting

Federal and Provincial regulations place a requirement on companies to report annual emissions. These requirements under O. Reg. 127/01 of the EPA and the National Pollutant Release Inventory (NPRI) apply to specific facilities based on the size of the facility and the types of contaminants released. For more information please see the ministry web site at <http://www.ene.gov.on.ca/envision/monitoring/monitoring.htm>

Subject facilities are required to report, on a regular basis, emissions on an annual or quarterly averaging time. As outlined in Section 5.1 applicants for Section 9 approval are required to report emissions based on a Maximum Emission Rate Scenario for a half hour gram per second

¹ Instrument means any document of legal effect other than a regulation issued under an Act and includes a permit, licence, approval, authorization, direction or order issued under an Act

emission rate. Facilities are recommended to reconcile the annual and maximum half hour emission rate to reduce the potential for confusion based on the different averaging times.

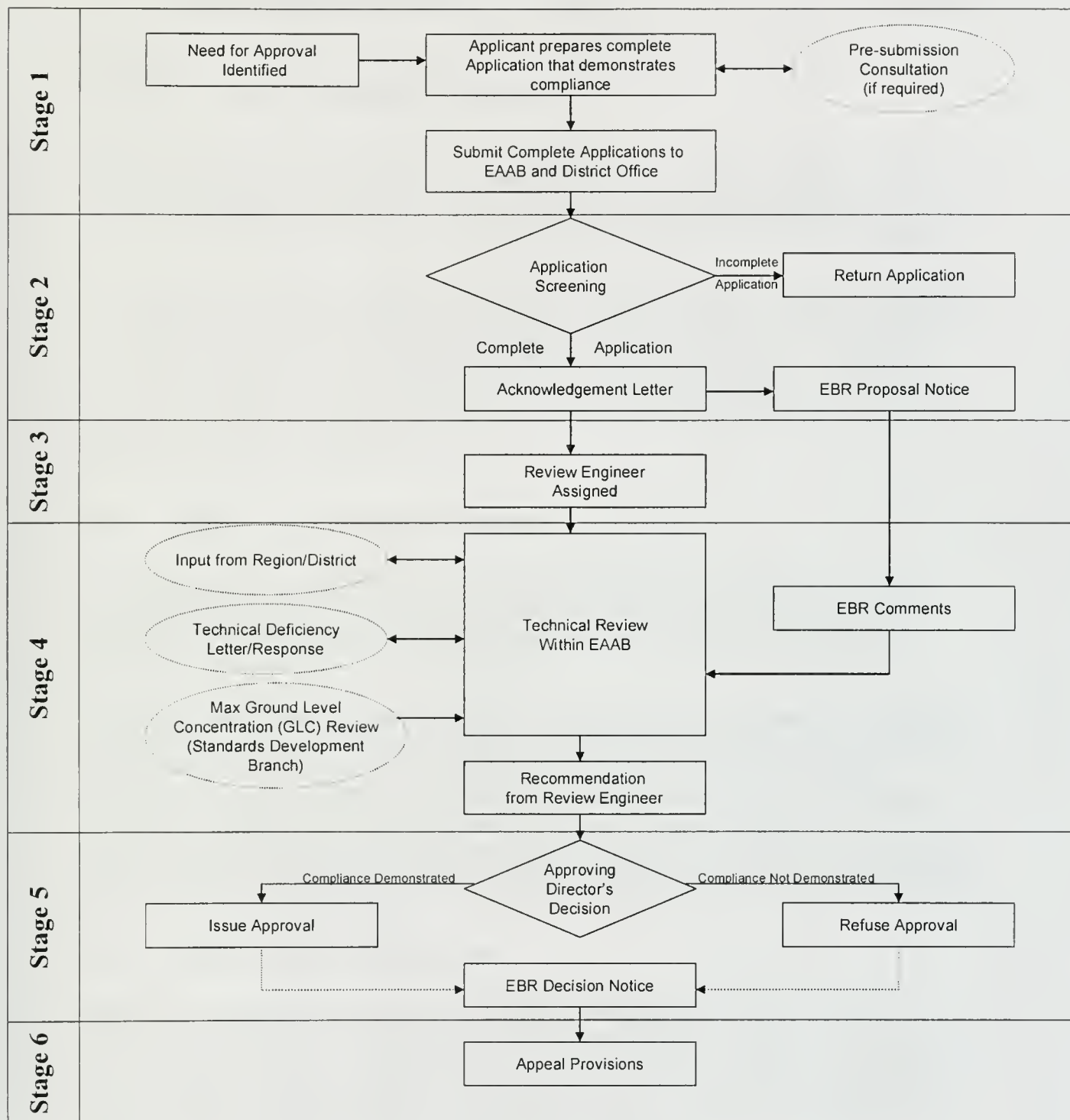
Please note that: compliance with the Section 9 requirements does not necessarily result in compliance with the O. Reg. 127 or NPRI requirements. Nor does being exempt from the reporting requirements of O. Reg. provide an exemption to the Section 9 approval requirements.

2.9 Financial Assurance

Financial Assurance are funds (in the form of cash, letters of credit, bonds, etc) required to be submitted by an applicant to cover specified environmental liabilities through a condition on a CofA. The ministry has the authority to request Financial Assurance as a condition of all orders and approvals, including Section 9 approvals. The purpose of Financial Assurance is to provide the ministry with assurance the funds will be available to cover future environmental costs such as site remediation and maintenance in the event that the applicant is unable or unwilling to do so. For more information, please refer to Part XII of the EPA and the Guideline F-15 Financial Assurance issued by the ministry available at <http://www.ene.gov.on.ca/envision/sp/0226e01.pdf>

2.10 Penalty for False Information

It is an offence under section 184 of the EPA to knowingly give false information to the Ministry in respect to matters under the Act or Regulations. Penalties for this and other violations could result in fines of up to \$20,000 for the first conviction and up to \$50,000 for each subsequent conviction where the offence is committed by an individual, and \$100,000 and \$200,000 respectively where the offence is committed by a corporation.

FIGURE 2: Section 9 Application Review Stages

Stage 1	Application Preparation
Stage 2	Application Processing and Screening
Stage 3	Application Assignment
Stage 4	Application Review
Stage 5	Approval Decision
Stage 6	Appeal Provisions

PART 3 – APPROVALS PROCESS

The Environmental Assessment and Approvals Branch (EAAB) typically receives more than two thousand Section 9 applications per year. Applications are processed in chronological order upon receipt following the process outlined in Figure 1. This section will explain the approvals process in order to assist applicant's understanding of the timing requirements for the process.

A revised figure showing the approvals process is included as Figure 2. This figure has divided the approvals process into six stages. Some stages are dependant on the applicant. Timing of the other stages is dependant on the quantity of applications received at any time. Applications should typically be filed far in advance of the proposed start of construction or modification of the equipment or process for which approval is required. The best assurance for a timely review is a complete and thorough application that demonstrates clear compliance with the EPA and applicable Regulations and Guidelines.

3.1 Stage 1 –Application Preparation

The applicant is responsible for preparing a complete application in order to obtain approval under Section 9 of the EPA. The work to be completed in this stage is independent of the ministry process and timing will be highly variable based on the available resources and background information available to the applicant.

The timing for this stage is primarily dependant on the preparation of an Emission Summary and Dispersion Modelling (ESDM) Report and Acoustic Assessment (if applicable) for all common contaminants that are the subject of the application as outlined in Part 5 of this Guide to Applying. Applicants that previously prepared the required supporting Technical Information are required to update the ESDM Report and Acoustic Assessment (if required) as well as complete an Application Form. The amount of effort to prepare an ESDM Report is dependant on the complexity of the subject facility. Large manufacturing facilities have required up to one year to prepare an ESDM Report.

3.1.1 Need for Approval Identified

The need to obtain an approval must be considered prior to any construction, alteration, extension or replacement of any plant, structure, equipment, apparatus, mechanism thing, process or rate of production that may discharge or from which may be discharged a contaminant into any part of the natural environment other than water. Further, an approval is required to use or operate a plant, structure, equipment, apparatus, mechanism or thing for which a certificate of approval is required but one was not obtained prior to operation.

Part 2 of this Guide to Applying references language in the EPA that requires an applicant to obtain an approval. The EAAB will not provide legal interpretation of this wording. If an

applicant is unsure of the need to obtain approval then the applicant is directed to obtain their own or independent legal advice on their Section 9 requirements.

3.1.2 Pre-submission Consultation

Pre-submission Consultation is not usually required prior to submitting a Section 9 application. The ministry has provided in this Guide to Applying all the information required to successfully complete the application process.

If the application involves significant local concerns then the applicant is directed to contact the Local District Office to review the proposal. The Local District Office is always contacted by the EAAB when each Section 9 application is received. Keeping them informed early in the process is recommended. The locations and addresses of the District Offices are listed on the ministry web site <http://www.ene.gov.on.ca/envision/org/op.htm#Reg/Dist>.

3.1.3 Application Submission

Applications for approval of equipment or processes are submitted to the EAAB. Applicants are required to use the most up to date application form from the ministry website.

The original and one photocopy of the completed application form and all supporting information and documentation along with the correct application fee must be submitted to the EAAB. The address is located on the application form.

In addition, the applicant must submit a third copy of the completed application form and all supporting information and documentation to the Local District Office serving the area in which the equipment or process will be located. The locations and addresses of the District Offices are listed on the ministry web site <http://www.ene.gov.on.ca/envision/org/op.htm#Reg/Dist>.

A covering letter addressed to the Section 9 Director should accompany the application confirming that two copies of the complete application have been submitted to the EAAB and a third copy of the application and all supporting information has been sent to the District Office.

3.2 Stage 2 - Application Processing and Screening

Applications are acknowledged and screened for completeness by the Application Processing Unit (APU) of the EAAB. This process will be completed within two weeks from the receipt of the application.

Applicants will either receive:

- an acknowledgement letter stating that the application has been received; or
- the returned application along with the reasons the application was found to be incomplete.

A notice of the application is also posted on the Environmental Bill of Rights, Environmental Registry if applicable in this stage.

3.2.1 Application Screening

All applications are screened for completeness by APU staff. An incomplete application, that does not contain the necessary information requirements does not use the correct application form or follow the requirements outlined in this document, will be returned to the applicant without a technical review. Standard correspondence will be used by APU staff to return the application. The fee included with the application will also be returned, less the \$200 non-refundable administrative processing fee.

Applicants submitting incomplete applications will be required to resubmit a revised application if they wish to continue the project. A resubmitted fee including the \$200 administrative processing fee will be required with the resubmission.

3.2.2 Acknowledgment Letter

The applicant and the applicant's technical contact designated on the application form will receive a standard acknowledgement letter after the application is found to be complete. The acknowledgement letter will provide a ministry reference number and an estimated number of weeks until the application will be assigned to a ministry technical reviewer.

3.2.3 EBR Proposal Notice

As required by the *Environmental Bill of Rights* (EBR) Act, the ministry must post a Proposal Notice on the Environmental Registry for most Section 9 applications.

Applicants are required to provide a project description on the application form (see Section 4.5 for more details on this requirement). The ministry reserves the right to edit the project description in order to meet its requirements under the EBR.

For applications subject to the EBR, the Director's final decision on approval cannot be rendered until the notification period has expired and only after all relevant comments have been taken into consideration. However, this process can run concurrently with Application Assignment (Stage 3) and Application Review (Stage 4).

3.3 Stage 3 – Application Assignment

Applications will be held in chronological order, until based on current unit workload, a ministry review engineer is available to commence the review of the application. The timing for this stage is variable and is a function of quantity of applications received by the unit at any given time.

3.4 Stage 4 – Application Review

Applications are reviewed by review engineers to assess if the application demonstrates compliance with the EPA and applicable Regulations and Guidelines as outlined in this Guide to Applying. The EAAB has split the review of Section 9 applications between two units in the branch as follows:

- Streamlined Review Unit (SRU) which reviews applications for designated equipment or process with known and easily quantifiable environmental impacts; and
- Air and Noise Unit (ANU) which reviews all other applications.

The review considerations and the required supporting information for applications reviewed by the SRU and the ANU are outlined in Part 5 of this Guide to Applying. The application form and the review process are similar and are outlined as follows.

Applications are assigned in chronological order to an individual review engineer based on each review engineer's personal workload; review engineers receive new applications to review once they have the ability to review the application. Applications that contain an Acoustic Assessment Report as outlined in Section 5.2 of this Guide to Applying will also be assigned to a noise review engineer in the ANU. Reviews of both the ESDM Report and the Acoustic Assessment Report must be completed prior to this Stage being completed.

The review period will be extended if it is determined during the review that:

- the application requires further clarification or the submission of additional information;
- the application is identified as technically deficient;
- non compliance is identified;
- comments are required from the Local District Office;
- the proposal results in the discharge of a contaminant for which there is no established ministry Point of Impingement standard or guideline;
- the need for an Acoustic Assessment Report is identified during review of the Noise Screening Process or the ESDM Report;
- significant public comment results from the notification required under the Environmental Bill of Rights; or
- other requirements for public notification/consultation or requirements under the *Environmental Assessment Act* (EAA) must be conducted.

3.4.1 Technical Application Review

All applicants are held accountable for submission of complete applications that contain all the supporting information required in this and other ministry documents. This includes as a minimum:

- a properly prepared ESDM Report that list all equipment that are the subject of the application and includes the aggregate emission of all the contaminants in common with this equipment;
- a completed Noise Screening Process (PIBS: 4871);

- an Acoustic Assessment Report if required; and
- a Vibration Assessment Report, if required.

See Part 5 of this Guide to Applying for more information on the supporting information requirements.

Review engineers assess the applicant's conclusions that the proposal will meet the requirements of the EPA and applicable Regulations and Guidelines. Review engineers are required to hold applicants accountable to document compliance and are required to identify deficiencies in the application and supporting information.

3.4.2 Technical Deficiency Letter

Applications are considered to be technically deficient if they do not meet published ministry requirements. Review engineers will use standard correspondence when identifying technically deficient reports, copies of this correspondence will be sent to the applicant and the applicant's technical contact identified on the Application Form. This standard correspondence will make specific reference to published requirements that applicants must meet.

Applicants may be provided an opportunity to resubmit an application that addresses both the identified deficiencies and any others within a specified time period and submit a complete application that demonstrates compliance. The timing is based on discussions with the applicant and the review engineer's discretion on how long is required to prepare a response. Applicants that require more time, due to internal timing restraints or significant deficiencies will have to resubmit an application after they have completed the necessary work.

Applications that continue to be found to be technically deficient by a review engineer after the applicant has been given the opportunity to correct the deficiency may be refused by the Section 9 Director under Section 9(4) of the EPA. The basis for finding a report technically deficient and the reason the application has been refused will be documented. The applicant has the right to appeal the Section 9 Director's decision. The original fee, less the non-refundable administrative portion and the portion of the fee that represents the time spent on the application, may be refunded to the applicant.

3.4.3 Regional/District Input

As outlined in Section 3.1.3 above, applicants must submit a copy of the CofA application package to the local District Office at the same time the original and one copy of the application package are submitted to the EAAB. The EAAB requests comments from the local District Office on each application. The EAAB is looking for local comments on site specific issues that may not be provided by the proponent including:

- existing abatement issues;
- complaint history;
- unusual terrain characteristics that would invalidate the use of the O. Reg. 346 models;
- site specific operating conditions that must be included as conditions on the CofA; and
- any other local concerns from the District.

Proponents are encouraged to consult with the local District Office to discuss if there are any site specific issues that will affect the application.

3.4.4 Contaminants with No Ministry POI Limits

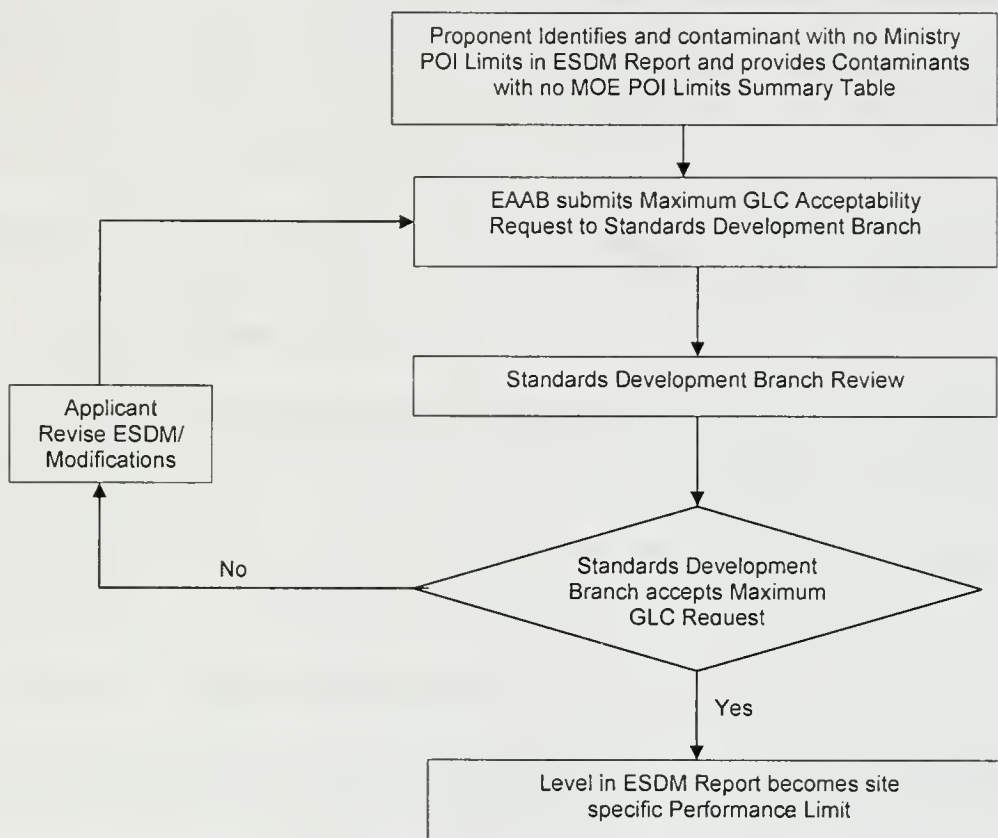
Ministry Point of Impingement (POI) Limits are available for approximately 350 contaminants. This Ministry POI Limits include Maximum Half Hour Average Point of Impingement Standards (POI Standards) listed within Schedule 1 of O. Reg. 346 and POI Guidelines. The Ministry POI Limits are provided in the publication titled "Summary of Point of Impingement Standards, Point of Impingement Guidelines and Ambient Air Quality Criteria (AAQCs)" dated September 2001 (Ministry POI Limits Summary). Available at: <http://www.ene.gov.on.ca/envision/gp/2424e.pdf>.

However, there are many compounds that meet the definition of a contaminant under the EPA that do not have Ministry POI Limits. In order to obtain a CofA companies are accountable for the assessment of all contaminants that are the subject of the application regardless of whether or not a Ministry POI Limit is available.

The Procedure Document requires that:

“in the event that a contaminant for which there is no Half-hour POI criteria [sic] is emitted from a source, the estimation of the emission and the POI concentration must be performed and reported if based on the generally available information . . . the resultant POI could cause an adverse effect.”

When a contaminant with no Ministry POI Limit is submitted in an ESDM Report, EAAB staff will submit a Maximum Ground Level Concentration (GLC) Acceptability Request to the Air Standards Manager, or designate, of the ministry's Standards Development Branch (SDB) as part of the Application Review Stage. The CofA is not issued until the Air Standards Manager indicates that the Maximum GLC proposed in the application is acceptable and is not likely to cause an adverse effect. This process is outlined below.

Figure 3: Maximum GLC Acceptability Request

The Air Standards Manager will not make general recommendations to the EAAB on a specific POI Limit for a given contaminant, but will provide a rationale as to why a contaminant proposed in an ESDM Report is deemed unacceptable. This process is not a standards setting process; comments provided to the Section 9 Director deal only with the site specific potential of the application to cause an adverse effect. Once a Maximum GLC Acceptability Request is accepted, the predicted POI concentration(s) becomes the facility specific Performance Limit for the purposes of determining compliance with the CofA upon approval of the application.

Applicants that identify a contaminant with no Ministry POI Limit in an ESDM Report are required to complete a Maximum GLC Acceptability Request which consists of the completed Contaminants with no Ministry POI Limits Summary Table along with all required Supporting Information for a Maximum GLC Acceptability Request (PIBS 4872).

An application for a Certificate of Approval will not be recommended for approval until SDB indicates that the concentration at POI proposed in the application is acceptable and is not likely to cause an adverse effect. **The EAAB requires that the applicant complete the form.** The table and supporting information should not be bound into the application package as a copy of the table will be sent to SDB.

Applicants may wish to consider completing the Maximum Concentration Level Assessment process outlined in the Basic Comprehensive Certificate of Approval User Guide Version 2 dated April 2004. This process can help the applicant to better understand based on generally available toxicological information, if the proposed concentration(s) for the contaminant(s) with no Ministry POI Limits will be acceptable to the ministry. The ministry will still review the information as part of the application package.

Applicants will be held accountable to identify contaminants with no Ministry POI Limit in the ESDM Report and complete the Contaminants with no MOE POI Limits Summary Table.

3.4.5 Recommendation for Approval

Upon completion of the technical review, the review engineer prepares a recommendation to the Section 9 Director to either approve the application along with a draft Certificate of Approval or to refuse the application.

This recommendation must consider the Regional/District office input and any public input through the EBR.

3.5 Stage 5 - Approval Decision

The Section 9 Director will act on the recommendation from a review engineer and the ministry will make the decision known through the EBR (if required).

3.5.1 Approving Director's Decision

In granting an approval, the ministry usually imposes terms and conditions on the Certificate of Approval. These conditions cover the operation and performance of the equipment and may cover such items as maintenance of air pollution control devices, monitoring and reporting on emissions levels, and the minimum performance requirements necessary to achieve compliance with all the EPA and applicable Regulations and Guidelines.

The CofA is in force once the Section 9 Director has signed or approved the CofA.

CofAs are mailed to the applicant, the applicant's technical contact and the Local District Office.

3.5.2 Decision Notice Requirements

If an EBR Proposal Notice was posted a Decision Notice on the final decision, along with information on the number of comments received and the impact of the comments is provided to the public on the Environmental Registry.

This notice will include the outcome of the ministry's review of the application, how many comments were received on the proposal notice as well as what impact these comments had on the decision to issue or refuse the CofA.

3.6 Stage 6 - Appeal Provisions

Section 139 of the EPA allows the applicant to require a hearing by a tribunal if the Director:

- refuses to issue or renew or cancels or suspends a CofA;
- imposes terms and conditions in issuing a CofA; or
- alters the terms and conditions or imposes new terms and conditions of a CofA after it is issued.

Applicants have fifteen days after the service of the CofA or refusal of the application to file an appeal. Information on how to file an appeal is included with each CofA or refusal letter issued by the ministry.

In addition to the applicant's rights of appeal, if certain conditions are met, any resident has third party appeal rights to the EBR and may ask a tribunal for the opportunity or "leave" to appeal a CofA through the EBR.

PART 4 – INSTRUCTIONS FOR COMPLETING THE APPLICATION

This section explains in detail the information that must be included on or attached to the application form in order for the application to be considered complete. Applicants must provide printed copies of the application form and all supporting information unless directed otherwise by the ministry. **If the application is missing any of the mandatory information the application will be returned.**

4.1 *Applicant Information (Section 1)*

This section requires applicants to identify themselves and to prove that they have the authority to apply for approval for the equipment/facility. The applicant must be the owner or operator of the facility or equipment that is the subject of approval. Applicants must provide proof of their legal name and if the applicant is a corporation, partnership or registered sole proprietorship, proof that the corporation/partnership/sole proprietorship is an ongoing entity.

If the applicant submits with the application a copy of the Master Business Licence (MBL) obtained from the Ontario Ministry of Consumer and Business Services, this Section does not need to be completed except for the Business Identification Number, North American Industry Classification System (NAICS) code and Business Activity Description. Information concerning the MBL can be obtained by contacting Ontario Business Connections, Ontario Ministry of Consumer and Business Services at 1-800-565-1921 or (416) 314-9151, or access their website at <http://www.cbs.gov.on.ca>.

Applicant Name - the applicant must provide the legal name of the applicant, as evidenced by legal documents attached to the application form (see Applicant Type for more information on the required legal documents).

Business Identification Number - this is the number assigned to all registered business names by the Companies Branch of the Ontario Ministry of Consumer and Business Services.

Business Name - the applicant must provide the name under which the applicant is operating or trading, and must be provided if it is different from the applicant's legal name.

Applicant Type - the applicant must provide the type of legal entity that the applicant represents. Unless the applicant is a municipal, provincial or federal government, a proof of legal name of the applicant must be submitted with all applications. An acceptable proof of legal name for a particular Applicant Type is provided by the following legal documents:

Corporation (Ontario):	Master Business Licence, Corporation Profile report or Form 1, 2 or 3 under the <i>Corporations Information Act</i> as obtained from the Ontario Ministry of Consumer and Business Services.
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Corporation (Canada):	Articles of Incorporation, Articles of Continuance (Form 11) or Articles of Amendment (Form 4) under the <i>Canada Business Corporations Act</i> as obtained from the Department of Consumer and Corporate Affairs.
Corporation (Other Provincial Jurisdiction):	Articles of Incorporation as obtained from the relevant government department.
Individual/Sole Proprietor:	Birth certificate, passport or other document verifying legal name of the individual, and copy of Business Number Registration if the business name is different from that of the individual.
Partnership (Limited):	Declaration under the Limited Partnerships Act as obtained from the Ministry of Consumer and Business Services.
Partnership (General):	Documents verifying legal names of all entities constituting the partnership appropriate for the type of each individual entity.
Other:	Documents explaining the corporate entry and proving the legal name and continuing status of the entity.

The above documents must be current and accurately reflect the current business name. Documents are acceptable only if they are provided by MCBS or if from other sources are notarized as true copies that accurately reflect the current business name.

Note: Companies must be registered in Canada.

North American Industry Classification System (NAICS) Code - the applicant must include the North American Industry Classification System (NAICS) code under which the applicant's business endeavour is classified, as determined in accordance with the Statistics Canada publication "North American Industry Classification System (NAICS) 2002 - Canada". Do not enter the (Canadian) Standard Industrial Classification (CSIC), United States SIC (USSIC) or International SIC (ISIC) codes. For more information on determining the NAICS Code for a business please see www.statcan.ca. If more than one NAICS code may apply to the site each NAICS code should be listed.

Business Activity Description - the applicant must also provide a narrative description of the applicant's business endeavour. This may include the products manufactured or sold, services provided, machinery/equipment used, etc.

4.2 *Applicant Physical Address (Section 2)*

This section requires the applicant to identify the physical location of their business office.

If the applicant submits with the application a copy of their Master Business Licence (MBL) obtained from the Ontario Ministry of Consumer and Business Services, this section does not need to be completed.

The applicant must identify their civic or survey location within a municipality, unorganized township or an unsurveyed territory if the MBL is not submitted. The following information must be provided:

- **Civic Address (Street Information)** - the type of address used in urbanized areas, consisting of Street Number, Name, Type and Direction, and Unit Identifier, e.g., 437 Park Drive West, Unit 7; **or**
- **Survey Address (Lot/Concession)** - the type of address used in rural and suburban areas of subdivided municipalities, consisting of Lot and Concession Number, e.g., Lot 22, Concession VII; **or**
- **Survey Address (Lot/Plan)** - the type of addresses used in unsubdivided townships and unsurveyed territories, consisting of Lot Number, and Reference Plan Name and/or Number, e.g., Lots 4, 5 & 6, Plan 4.

Municipality/Unorganized Township - the lower tier municipality or unorganized (geographic) township (not the name of the community/settlement), and it must include the type of municipality (i.e., City, Town, Village, Township, or geographic township), e.g., Barrie City, Cardinal Village, Rideau Township, “Canisbay” geographic township.

County/District - the upper tier municipality (Regional Municipality, County or District Municipality), or geographic District or territory within which the Municipality/Unorganized Township is located.

Province/State - the province or state in which the applicant’s business office is located.

Country – the country in which the applicant’s business office is located.

Postal (Zip) Code – the postal code of the applicant’s business office.

4.3 Site Information (Section 3)

This section requires the applicant to identify the location of the equipment/facility that is the subject of the application.

In addition to the details and quality of address information, as highlighted in section 4.1 and 4.2 above, the following information must be provided:

Site Name - the applicant should provide name of works, plant etc., if applicable.

Ministry District Office - the applicant must identify the local District Office that the equipment/facility is located within. For more information on the local District Office see the ministry website.

Mobile - if the application is for mobile equipment, which is to be moved to and operated at various locations, such as portable asphalt plants, crushers or soil remediation units then the applicant should indicate this here.

Site Address – the applicant must provide the address identifying the physical location of the equipment/facility, unorganized township or an unsurveyed territory, and must identify either the civic or survey location within a municipality and must be provided as follows:

- **Site Address (Street Information)** - the type of address used in urbanized areas, consisting of Street Number, Name, Type and Direction, and Unit Identifier, e.g., 437 Park Drive West, Unit 7;
- **Survey Address (Lot/Concession)** - the type of address used in rural and suburban areas of subdivided municipalities, consisting of Lot and Concession Number, e.g., Lot 22, Concession VII; or
- **Survey Address (Lot/Plan)** - the type of addresses used in unsubdivided townships and unsurveyed territories, consisting of Lot Number, and Reference Plan Name and/or Number, e.g., Lots 4, 5 & 6, Plan 4.

Note: A legal description of the site as evidenced by a copy of the legal survey of the property which must be enclosed with the application if a survey address is provided.

Non Address Information – the applicant should include any non address information that will assist in clarifying the site location as applicable.

Municipality/Unorganized Township - this is the name of the lower tier municipality or unorganized (geographic) township (not the name of the community/settlement), and it must include the type of municipality (i.e., City, Town, Village, Township, or geographic township), e.g., Barrie City, Cardinal Village, Rideau Township, “Canisbay” geographic township.

County/District - this is the name of the upper tier municipality (Regional Municipality, County or District Municipality), or geographic District or territory within which the Municipality/Unorganized Township is located.

Site Geo-Reference – this is the geographic location of the site identified as point, line or polygon coordinates of the site in reference to the Universal Transverse Mercator (UTM) grid adopted for this purpose by the Ministry. The Client is encouraged to provide the geo-reference data for all sites, however, if the site is located within an unsurveyed territory or an unsurveyed township (i.e. whose physical address is not a civic address or Lot# and Concession#), the information must be provided, and applications involving such sites will be considered

incomplete if the geo-reference data are missing. The geo-reference data required to be provided are as follows:

- **Map Datum** -this is the UTM datum of the map or GPS (Global Positioning System) used to specify position of the point or points of reference; currently, there are two map datums in use in North America, namely, the North American Datum 1927 (NAD27) and NAD83. The NAD83 is preferred as the current Ontario Base Maps are constructed using this datum. However NAD27 is acceptable.
- **Zone** - this is the UTM Zone within which the site is located; there are four UTM Zones within Ontario, namely 15, 16, 17 and 18.
- **Accuracy Estimate** - this is the accuracy (+/- metres) of the provided UTM Northing and Easting coordinates for the point(s) of reference; the accuracy of the data depends on the method the data is generated, e.g. the accuracy of direct geodetic survey may be less than 1 metre, a GPS (depending on its quality) may guarantee accuracy from 1-10 metres to more than 10-30 metres, and a topographic map a 10-100 metre accuracy.
- **Georeferencing Method** - this is the method used to generate the data for the provided UTM Northing and Easting coordinates for the point(s) of reference; these could be determination by geodetic survey, estimation from a map, a GPS or any other specified method.
- **UTM Easting** – this is the distance in metres from the western delimiter of the points of reference UTM Zone to the point of reference.
- **UTM Northing** – this is the distance in metres from the equator to the point of reference.

Note: The site geo-reference point(s) identified in this section must be shown on a Scaled Area Location Plan which must be submitted with all applications.

Postal Code - the postal code of the site.

NEPDA – the applicant must complete this section if the proposed equipment is to be located in an area of development control as defined by the *Niagara Escarpment Planning and Development Act* (NEPDA). To determine if the project falls under this legislation, applicants should contact the Niagara Escarpment Commission. Any project that is subject to the NEPDA and has not received a Development Permit cannot be approved under the EPA. A copy of the NEPDA Development Permit must be attached if applicable.

Note: This box must be checked No for mobile applications.

ORMCA – the applicant must complete this section if the proposed equipment is to be located in the Oak Ridges Moraine Conservation Area as defined by the Oak Ridges Moraine Conservation Plan (ORMCP, a regulation made under the *Oak Ridges Moraine Conservation Act*) To determine if the project falls under this legislation, applicants should contact the municipality in which the subject site is located. Any project that is subject to the ORMCP and has not received Municipal Planning Approval cannot be approved under the EPA. A copy of the Municipal Planning Approval must be attached if applicable.

Note: This box must be checked No for mobile applications.

Operating Authority - the applicant must indicate whether or not they are the operating authority. If the applicant is not the operating authority then the operating authority's name, address and phone number must be attached to the application form.

Please note, copies of any agreements between two or more parties associated with the source of air emissions, as may exist between the owner of the equipment and the operator must be submitted with the application. However, the ministry is not bound by the contractual or informal relationships between parties in respect of any action which may be taken in response to a contravention of the Act, the Regulations or the Certificate.

Land Owner - the applicant must indicate if they are owner of the land upon which the equipment or facility that is the subject of the application is located. If the applicant is not the land owner then the land owner must provide a letter indicating the land owner's name, address and phone number attached to the application form. The letter must state that the land owner is aware of the application and provides consent to the operation of the equipment or facility that is the subject of the application.

4.4 Project Technical Information Contact (Section 4)

This section requires the applicant to identify a Technical Contact. This person may be the applicant or a consultant hired by the applicant. This person must have the authority to act on behalf of the applicant in order to obtain the CofA for the equipment or facility that is the subject of the application. This includes the authority to commit the applicant to:

- design changes in the event that technical issues arise during the review of the proposal;
- terms and conditions; and
- submit additional supporting information that may limit the applicant's operating conditions.

Note: The Technical Contact may not sign the application unless they are also the applicant and meet the requirements in Section 4.12.

Name - the applicant must identify a person who is accountable for the technical details of the proposal, and who can be contacted if the ministry has any questions regarding the application.

Company - the company name (if different from the applicant) of the Technical Contact.

Contact Address - the applicant must identify the mailing address of the Technical Contact if different from the applicant's mailing address, and must identify either the civic or Delivery Designation mailing address.

- **Street Information** - the type of address used in urbanized areas, consisting of Street Number, Name, Type and Direction, and Unit Identifier, e.g., 437 Park Drive West, Unit 7;
- **Delivery Designator and Delivery Identifier (Non-Civic Address)** - the type of mailing address used in other than urbanized areas, consisting of a Delivery Designator (i.e., type of delivery: Rural Route, Suburban Service, Mobile Route, or General Delivery) and Delivery Identifier (i.e., the number identifying a particular Rural Route, Suburban Service, or Mobile Route), e.g., R.R. 2.

Municipality/Unorganized Township - this is the name of the lower tier municipality or unorganized (geographic) township (not the name of the community/settlement), and it must include the type of municipality (i.e., City, Town, Village, Township, or geographic township), e.g., Barrie City, Cardinal Village, Rideau Township, “Canisbay” geographic township if different from applicant mailing address.

Postal Station - of the Technical Contact if different from the applicant’s mailing address.

Province/State - of the Technical Contact if different from the applicant’s mailing address.

Country - of the Technical Contact if different from the applicant’s mailing address.

Postal (Zip) Code - of the Technical Contact if different from the applicant’s mailing address the applicant’s mailing address.

Telephone number (including area code & extension) - of the Technical Contact if different from that of the applicant.

Fax Number (including area code) - of the Technical Contact if different from that of the applicant.

E-mail address - of the Technical Contact if different from that of the applicant.

4.5 Project Information (Section 5)

This section provides an overview of the proposal and will be used by the application processors to develop the project description for the Environmental Bill of Rights Registry Posting.

Type of Application - the applicant must indicate whether the application is for a new CofA or for an amendment to an existing CofA.

- **Amendment** - if there is an approval currently in effect for the equipment or process and modifications which would alter the nature of the discharge are proposed, or if amendments are needed to the current approval, the applicant should indicate that the application is for an amendment to an existing approval. The **Current Certificate of**

Approval Number and **Date of Issue** must be indicated and a copy of the current CofA appended.

- **New Certificate of Approval** - if the application is submitted for the approval of new equipment, for the approval of existing equipment or any relocated equipment at the facility for which no approval has been issued, or for the approval of modifications to existing unapproved equipment which will result in a new or modified discharge to the atmosphere, the applicant should indicate that the application is for a new Certificate of Approval.
- **Basic Comprehensive Certificate of Approval** – if the application is for a new Basic Comprehensive CofA or for an amendment to an existing Basic Comprehensive CofA then the applicant should indicate this here.
- **Consolidated Certificate of Approval** – if the applicant wishes to consolidate or group many individual approvals into one approval then the applicant should indicate this here. The applicant should include a list of CofAs to be consolidated.

Initiated by - the applicant must indicate what caused the application to be submitted:

- **Applicant** - if the application is being submitted voluntarily because the need to obtain an approval was identified by the applicant;
- **EAAB** - if the application is being submitted as a result of a term or condition on an existing CofA;
- **Provincial Officer Order** - if the application is being submitted to fulfill a requirement of an order issued by a Provincial Officer including SWAT under the Act. A copy of the order must be attached to the application; or
- **Other** - if the application is being submitted for any other requirements i.e. a Director's Order or result of an appeal etc., then the applicant must indicate the reason the application is being submitted and attach any additional information as required.

Other Approvals for Project - the applicant must provide a list of all other approvals or permits required by ministry legislation which are related to the project and which the applicant has applied for or received approval concurrent with this application. Ministry reference numbers or CofA numbers should be provided when available.

Approvals/permits include those issued under the Act, the *Ontario Water Resources Act*, the *Safe Drinking Water Act* and the *Environmental Assessment Act*. For example, the subject application may be for approval of the air discharge from an ammonia stripper under Section 9, EPA. The applicant should report that an application under Section 53 of the *Ontario Water Resources Act* has been submitted for the discharge of liquid effluent from the scrubber. The applicant can attach a separate list if necessary.

Project Description - the applicant must provide a brief description of the proposal. This information will be used in the Notice that is placed on the Electronic Registry for those proposals which are subject to the *Environmental Bill of Rights* (EBR). The ministry reserves the right to change the wording of the description, as required, to ensure that the public is correctly notified of the subject of the application. The description should be simple and concise (typically under 100 words) and should include the following information:

- a summary of what is being applied for, indicating all the principal equipment installations or modifications, including pollution control equipment and the source which it controls;
- the reason for the application; and
- an indication of discharges to the atmosphere.

For example:

“One exhaust fan discharging to the atmosphere to ventilate a welding fume control system for six source collection points and one robotic welder”.

“Five portable units consisting of a kiln and pollution control equipment, including two cyclones and a thermal oxidizer to control emissions discharged to the atmosphere from the kiln, to be used in the decontamination of petroleum hydrocarbon contaminated soil”.

Note: For more information on the EBR posting for a Basic Comprehensive CofA Application see Part 6 of the Guide to Applying.

Project Name - the applicant must provide a project identifier that will be used as a reference in correspondence. This reference may be a project number, project nickname or any other unique identifier used by the applicant.

Project Schedule - the applicant must provide a schedule for the project. Please note that a date must be specified, writing ‘ASAP’ is not acceptable, include:

- Start of Construction - the estimated date the construction is prepared to commence (yyyy/mm/dd format). For retroactive approvals the approximate date that construction of the equipment or facility took place should be provided; and
- Start of Operation - the estimated date that the operations will start (yyyy/mm/dd format) or the date that operation of the equipment or facility started. For retroactive approvals the term operating should be indicated.

4.6 Other Air & Noise Approvals for Facility (Section 6)

This section requires the applicant to provide a list of all other Section 9 CofA(s) that may have been issued to the facility in the past. For example, if the facility has been issued eleven other Section 9 CofAs then the CofA numbers for all eleven must be reported. The applicant may attach a separate list if necessary.

4.7 *Environmental Assessment Act Requirements (Section 7)*

This section requires that the applicant identify what, if any, *Environmental Assessment Act* (EAA) requirements apply to the facility or equipment that are the subject of this application and if the EAA is applicable to the application indicate that all the requirements of the EAA have been fulfilled.

Subject to the EAA – the application must identify if the application is subject to or exempt from the requirements of the EAA. If the answer is no then the remainder of section 7 of the application does not need to be completed.

If the answer is yes the applicant must indicate why the application is exempt from the EAA requirements or how EAA approval was obtained as follows:

Exempt from the requirements of the EAA – if the application is exempt from EA requirements then the applicant must indicate if the application is exempt through an exemption regulation or a Declaration Order and include supporting information as appropriate. If the exemption regulation or a Declaration Order does not refer directly to the works that are the subject of this application, the applicant must substantiate in a covering letter or other document how it does apply to the works.

Municipal Class Environmental Assessment - if the application has met the EAA requirements through completion of The Municipal Engineers Association Municipal Class Environmental Assessment (MEA Class EA) the applicant must indicate which MEA Class EA Schedule was followed and provide a copy of the Notice of Completion (if applicable). In the case where a Part II Order request was made for the project, the applicant must provide a copy of the Minister's decision letter and additional supporting information as appropriate.

Other Class EA Processes - if the application has met the EAA requirements through one of the other nine Class EA's approved under the EAA the applicant must indicate the title of the Class EA, the project category, and submit a copy of the Notice of Completion (if applicable). In the case where a bump-up or Part II Order request was made for the project, the applicant must provide a copy of the Minister's decision letter and additional supporting information as appropriate.

Electricity Project Regulation - if the application has met the EAA requirements through Ontario Regulation 116/01 (Electricity Projects Regulation) made under the EAA the applicant must indicate if an Environmental Screening or Environmental Review was conducted. In the case where an elevation request was made for the project, the applicant must provide a copy of the Director's decision letter and, in cases where the Minister was asked to review the Director's decision, a copy of the Minister's decision letter and additional supporting information as appropriate. A copy of the Statement of Completion must be provided.

Environmental Assessment (individual environmental assessment) - if the application has met the EAA by the preparation of an individual EA, the applicant must provide a copy of the signed Notice of Approval. (If the application was designated subject to the requirements of the

EAA by a regulation under made under section 39 of the EAA the applicant must also provide the regulation number for the designation.)

4.8 *Environmental Bill of Rights Requirements (Section 8)*

This section requires the applicant to identify what, if any, *Environmental Bill of Rights* (EBR) requirements apply to the application.

Prescribed Instrument - the applicant must identify if the application has been classified as a proposed instrument under the EBR (see O. Reg. 681/94). Under Ontario Regulation 681/94, "Classification of Proposals for Instruments", almost all applications for approval under Section 9 of the EPA are Class 1 proposals and are therefore subject to the requirements of the EBR. The Applicant should indicate "Yes - that the proposal is a prescribed instrument" on the application form unless the application meets the exact wording of the following exceptions:

- discharge of a contaminant from any one discharge point for a total of less than ten hours in any seven day period;
- discharge of a contaminant resulting from operating combustion equipment if the equipment is not fired with fuel derived from waste, other than wood waste, and is not operated for the purpose of generating heat or electricity for sale;
- discharge of a contaminant from a storage tank or vessel; or
- discharge of a contaminant from a discharge point that is less than or equal to the discharge already approved under Section 9 of the EPA.

If the application meets the exact wording of one of the above listed exceptions there would be no EBR requirements for the application and the applicant should indicate "No – proposal for a prescribed instrument" on the application form.

Exempted from Posting – the EBR also exempts certain Class I proposals from posting requirements under the conditions which follow. If an application for approval falls under one of the exemptions, additional information must be provided to substantiate the exemption. After reviewing this information, the Director will decide if the exemption applies to the proposal. For each type of exemption, a brief overview of the supporting information to be provided with the application follows:

(I) **Tribunal Decision**

The proposal represents a step towards the implementation of an undertaking approved by a decision made by a tribunal under an Act after affording an opportunity for public participation.

The applicant must provide a copy of the tribunal decision along with documentation indicating that the proposal was considered in arriving at the decision.

(2) Subject to or Exempt from the Requirements of the EAA

The application is for a project where a decision has been made under the EAA or the application is for a project that has been exempt from the requirements of the EAA. The applicant must provide proof that the proposal has either met the EAA requirements or has been exempted from EAA requirements by completing Section 7 above.

(3) Environmentally insignificant amendment or revocation to an Existing CofA

The application is for an amendment or a revocation of an existing certificate where, in the opinion of the Director, there will be an insignificant effect on the environment.

The applicant must provide an explanation of the proposal that demonstrates that there will be no significant impact on the environment. Examples of proposals that will have no environmental significance may include: company name changes, requests to change reporting requirements, revocations of approvals for pollution control equipment for processes no longer in operation.

(4) Emergency

The delay in allowing for public participation would result in danger to the health and safety of any person, harm or serious risk of harm to the environment, or injury or damage or serious risk of injury to any property.

The applicant must provide information which demonstrates that the delay incurred in posting the proposal would result in the development of an emergency situation.

For further information regarding the EBR and its Regulations, please refer to the document entitled "The Requirements of the Environmental Bill of Rights for Prescribed Instruments, Guide for Applicants, November 1994".

4.9 Additional Public Consultation/Notification (Section 9)

This section requires the applicant to list any Public Consultation/Notification activities undertaken in addition to the EBR EAA section completed above. Additional consultation is not normally required by the Section 9 process, however, an applicant may be required to make notification under other legislative requirements, conducting ongoing public consultation/notification at the facility with a community liaison group or aware of public groups with an interest in the application. In any case, this section on the application provides an opportunity for the applicant to inform the ministry of these activities in order for the ministry to meet its obligations and assist the ministry in dealing with any responses through the EBR process outlined above.

Examples of public consultation/notification that may be described in this section and detailed as an attachment to the application are as follows:

- consultation with aboriginal peoples which may be potentially impacted by the equipment/facility proposed by the application. The need for such communication should be identified during the discussions with the staff of the local District Office prior to submitting the application;
- notification to Environment Canada under Article V of the Canada-U.S. Air Quality Agreement. This Agreement signed in 1991 is intended to promote cleaner air and improved health through increased cooperation between the two nations. Article V requires the reporting of large sources of air emissions located within 100 kilometres of the Canada/U.S. border. The thresholds for reporting sources are as follows:
 - new sources expected to emit greater than 90 tonnes per year for any one of SO₂, NO_x, CO, TSP and VOC;
 - major modifications at existing sources expected to emit greater than 40 tonnes per year for any one of SO₂, NO_x, CO, TSP and VOC;
 - new or modified sources expected to emit greater than 1 tonne per year of any one listed hazardous air pollutant (see list at the Environment Canada website under “Canada-U.S. Air Quality Agreement”).

The need for notification should be identified prior to application. A copy of the Canada/U.S. Air Quality Agreement and Notification Form is available from Environment Canada at http://www.ec.gc.ca/pdb/can_us/canus_agreem_e.cfm. The applicant should forward the original Notification to the address included on the form and attach a copy of the completed form to the application as proof of notification. The ministry will not forward a copy of the Notification on behalf of the applicant.

- overview of the ongoing communication with a public liaison committee or local interest group that may make significant comments through the Environmental Registry. The need to communicate with interested members of the public may be identified prior to the application or may be initiated in preparation of the application. If the ministry is not aware of the ongoing communication then the appropriate response to Environmental Registry comments may not be provided.

If public consultation/notification has been carried out, a brief summary is to be provided on the application form, with details included in supporting information attached to the application. It is in the applicant's interest to keep the ministry as informed as possible when significant public interest is generated by the application.

4.10 List of Attachments (Section 10)

This section requires the applicant to specify all attachments of supporting information and technical reports that are included with the application.

The Application Form and all supporting information should be submitted in a single or a series of bound reports. Applicants should provide a table of contents or key to the application to facilitate review.

Supporting Information –Supporting Information Worksheet (PIBS 4873) is a document that lists the supporting information that may be required from an applicant based on the location of the site or the existing approvals at the site. The worksheet is intended to assist applicants in providing all the required information. This worksheet must be attached.

Application Fee Worksheet - Application Fee Worksheet (PIBS 4108) is a document that summarizes the fee requirements of the Fee Regulation. The worksheet is intended to assist applicants in calculating the correct fee. This worksheet must be attached.

Application Fee - the applicant must provide the required fee in the amount calculated on the Application Fee Worksheet.

Information Supporting Compliance with O. Reg. 346

The applicant must complete this section. For further information see Part 5 of this Guide to Applying.

Information to Support Compliance with the Noise Guidelines

The applicant must complete this section. For further information see Part 5 of this Guide to Applying.

Other Supporting Information - the applicant must specify all other supporting information as applicable and technical reports that are included with the application in this section.

Submission of Confidential Information - the release of information contained in application forms and documentation submitted in support of applications for approval is subject to the provisions of the *Freedom of Information and Protection of Privacy Act*. This Act defines what may and may not be disclosed to the public, and is used to assess all requests for information contained in the documents on file with an application for approval. The information submitted with an application for approval may also be subject to the *Environmental Bill of Rights*.

Therefore the application and the associated non-confidential supporting documentation may be made available for review by members of the public.

Information on the application form is not considered confidential. The supporting information may be considered confidential subject to the provisions of the FOI and EBR acts. The applicants should therefore identify all documents which are to be considered confidential and must provide detailed evidence in support of this claim. Reports may be stamped “confidential” on the cover or the specific sections that contain the confidential information should be clearly indicated. This evidence will be one of the factors that the ministry will consider when making a decision regarding disclosure of specific documents on file under an FOI or EBR request.

4.11 Payment Information (Section 11)

This section requires the applicant to summarize the fee submitted with the application and provide additional information if payment is in the form of a credit card.

Amount Enclosed – this is the amount of the fee calculated in accordance with the application Fee Worksheet.

Method of Payment – the ministry will accept payment in the form of a cheque or money order or for amounts less than or equal to \$10,000 payment by Visa, MasterCard or American Express. Cheques should be made out to the Minister of Finance.

If paying by Visa, MasterCard or American Express then the following information is required:

- **Credit Card Number** – the applicant's credit card number to be used for payment;
- **Expiry Date** – the expiry date of the applicant's credit card number to be used for payment;
- **Name on credit card** - the name that appears on the applicant's credit card number to be used for payment; and
- **Signature** – an authorized signature for payment.

4.12 Statement of Applicant (Section 12)

This section requires the applicant to identify a signing authority of the owner or operator of the equipment/facility. The signing authority is accountable for the application and is responsible for the validity of information submitted to the ministry.

An application is only considered valid if it is signed by a person who that has the authority to bind the applicant and is responsible to obtain the required Section 9 approval. Based on the applicant type identified in Section 4.I above the following persons may be the signing authority:

Corporation	Authorized official with the authority to bind the corporation;
Individual/Sole Proprietor:	The person whose birth certificate, passport or other document verifying the legal name of the individual is attached to the application in Section I;
Partnership (Limited):	A partner as named in the declaration under the Limited Partnerships Act as obtained from the Ministry of Consumer

and Business Services of the Partnership which is attached to the application in Section 1;

Partnership (General): A partner listed in the documents submitted that verify legal names of all entities constituting the partnership named in Section 1 and attached to the application.

By signing the application, the signing authority is acknowledging that:

- they have authority to bind the company;
- the information contained in the application and the information submitted in support of the application is complete and accurate in every way and that they are aware of the penalties against providing false information;
- the Project Technical Information Contact identified in section 5 of the application is authorized to act on the applicant's behalf for the purpose of obtaining approval under Section 9 of the EPA for the equipment/ processes identified in the application;
- the most recent application form (as obtained from the Ministry of the Environment Internet site at www.ene.gov.on.ca or the Environmental Assessment and Approvals Branch at 1-800-461-6290) has been used; and
- all the necessary information identified on the application form and in the guidance material is included.

The following information must be provided:

Name of the Signing Authority – the signing authority must identify themselves.

Title – the signing authority's title.

Signing Authority's Mailing Address - the applicant must identify the mailing information, either civic address or Delivery Designator of the signing authority's business office if it is not located at the applicants physical location.

- **Civic Address (Street Information)** - the type of address used in urbanized areas, consisting of Street Number, Name, Type and Direction, and Unit Identifier, e.g., 437 Park Drive West, Unit 7; or
- **Delivery Designator and Delivery Identifier (Non-Civic Address)** - the type of mailing address used in other than urbanized areas, and it consists of a Delivery Designator (i.e., type of delivery: Rural Route, Suburban Service, Mobile Route, or General Delivery) and Delivery Identifier (i.e., the number identifying a particular Rural Route, Suburban Service, or Mobile Route), e.g., R.R. 2.

Municipality - the name of the lower tier municipality or unorganized (geographic) township (not the name of the community/settlement), and it must include the type of municipality (i.e., City, Town, Village, Township, or geographic township), e.g., Barrie City, Cardinal Village, Rideau Township, “Canisbay” geographic township.

Postal Station – the postal station of the signing authority’s business office is located if different from the applicant’s physical location.

Province/State - the province or state in which the signing authority’s business office is located if different from the applicant’s physical location.

Country – the country in which the signing authority’s business office is located if different from the applicant’s physical location.

Postal (or Zip) Code – the postal (or Zip) code of which the signing authority’s business office is located if different from the applicant’s physical location.

Telephone number (including area code & extension) – the signing authority’s phone number.

Fax Number (including area code) - the signing authority’s fax number.

E-mail address - the signing authority’s e-mail address.

Signature – the signing authority must sign the application for the application to be valid.

Date – the application must be dated to be valid.

PART 5 – TECHNICAL SUPPORTING INFORMATION

This section provides information on the Technical Supporting Information that must be included with an application to support the applicant's conclusions that the equipment / facility meets the requirements of the EPA, applicable Regulations and Guidelines.

Applicants are accountable to submit the required supporting information and provide the accompanying signed checklists.

5.1 Emission Summary and Dispersion Modelling (ESDM) Report / Compliance with O. Reg. 346

In June 1998 the ministry released a document titled **Procedure for Preparing an Emission Summary and Dispersion Modelling Report** (the "Procedure Document"). The Procedure Document was developed to provide clear directions on the process required to demonstrate compliance with Section 5 of O. Reg. 346.

Section 5 of O. Reg. 346 imposes concentration-based limits for contaminants and outlines a dispersion modelling process to assess compliance with these limits based on the aggregate emission rate of a contaminant from the facility. It requires that where a facility emits a contaminant into the air from one or more sources, the concentration in the atmosphere resulting from that pollutant being emitted from all sources must be less than the appropriate air quality criteria.

O. Reg. 346 requires the assessment of the following key components:

- an emission summary (what a facility emits to the atmosphere);
- dispersion modelling (prediction of how the emitted material is diluted as it moves through the atmosphere); and
- the comparison of the predicted Point of Impingement (POI) concentrations to an appropriate limit on the concentration of the contaminant in the atmosphere.

The predicted emissions are reported on a gram per second basis as a maximum half hour emission rate. Applicants must document a Maximum Emission Rate Scenario that demonstrates that the reported emissions are based on the realistic operating scenario that yields the largest overall emission rate during any half-hour period.

The Procedure Document requires applicants to assess all contaminants regardless of whether a ministry air standard or guideline is available for the contaminant. The ESDM Report must list the equipment that is the subject of the application. The Procedure Document provides clear direction on the preparation of an ESDM Report.

An ESDM Report, including a signed checklist, must accompany all applications unless the application is for one of the following:

- a minor amendment to an existing approval such as a correction or name change that does not require technical review;
- equipment identified for review by the Streamlined Review Unit (SRU) at EAAB. The SRU issues CofAs for specific identified equipment with known and predictable environmental impacts outlined in the following table. The SRU will provide individual guidance on the format and minimum information requirements to support the applications, applicants are encouraged to follow the format outlined in the Procedure Document.

Processes reviewed by the Streamlined Review Unit
<ul style="list-style-type: none"> • Emergency Generator Sets installed at commercial, institutional and municipal facilities • Automotive Paint Spray Booths • Combustion equipment installed at commercial, institutional and municipal facilities

- Subsurface remedial technologies that require a Section 9 CofA, for more information contact a Client Service Representative.

5.1.1 Dispersion Models

Section 5(2) of O. Reg. 346 states that the concentration of a contaminant at a Point of Impingement (POI) may be calculated in accordance with the dispersion models provided in the Appendix of the regulation. The ministry makes the virtual and point source dispersion models available as an MS-DOS based software package on the ministry web site at <http://www.ene.gov.on.ca/envision/gp/index.htm>. Use of the dispersion models provided by O. Reg. 346 are the models that the Section 9 Director will typically take into consideration when reviewing applications for approval under Section 9.

The ministry is contemplating regulatory change to require the use of more refined dispersion models to determine compliance with POI criteria. The ministry released a document titled “Guidance for Air Dispersion Modelling” to provide guidance on more refined dispersion modelling methods for air dispersion modelling in the Province of Ontario. This document is available on the ministry web site at <http://www.ene.gov.on.ca/envision/techdocs/index.htm>. More recently the ministry released a Clean Air Plan and a proposal to update O. Reg. 346 that provided additional information on how the more refined models may be implemented.

The use of more refined dispersion modelling enables more representative assessments that make use of current science. The document provides insight into the ministry recommended modelling approaches in order to achieve consistency in the modelling methods that will be accepted prior to any changes. The use of more refined dispersion models increases the accuracy of the

predicted modelling results. In some cases the predicted concentrations at POI may be greater using the more refined dispersion models than the O. Reg. 346 models. Applicants are recommended to consider the implications of the new models at the time of application, however, are not required to submit the modelling results.

In some cases the ministry will require the use of more refined dispersion models. The increased accuracy of the more refined dispersion models directly translates into a better understanding of risks in the surrounding community. Therefore for situations with known or potential adverse effects, or where the receptors are located at levels higher or lower than the source for example, facilities may be directed to use a more refined dispersion model. The ministry will make this a requirement at the time of application or the local District Office may require the modelling using an order provision.

5.2 Compliance with Noise Guidelines

The ministry has published documents that outline the noise requirements that facilities must demonstrate they are capable of meeting in order to obtain a Certificate of Approval. These requirements are included in the Noise Pollution Control (NPC) documents as follows:

- Publication NPC-205, "Sound Level Limits for Stationary Sources in Class 1 & 2 Areas (Urban)", October, 1995, as amended;
- Publication NPC-232, "Sound Level Limits for Stationary Sources in Class 3 Areas (Rural)", October, 1995, as amended.

These documents are available at <http://www.ene.gov.on.ca/envision/gp/index.htm#Noise>.

Applicants are required to assess the noise and/or vibrations from the facility unless the application is for one of the following:

- a minor amendment to an existing approval such as a correction or name change that does not require technical review;
- an amendment to an existing approval for a modification that does not have the potential to change the noise emission from the facility, for example paint reformulation;
- the equipment that is the subject of the application does not have the potential to generate noise emissions, for example a storage tank; or
- equipment identified for review by the Streamlined Review Unit (SRU) at EAAB (as outlined above). The SRU may provide individual guidance on the format and minimum information requirements to support the applications.

5.2.1 Noise Screening Process

In order to facilitate assessment of sound emissions from a facility, the ministry has developed a Noise Screening Process. The Screening Process is based on a series of conservative assumptions regarding the likely noise sources present at a facility. The ministry calculated a number of minimum required separation distance that will result in compliance with the ministry noise guidelines. If the actual separation distance from the facility to the closest Point of

Reception is greater than the calculated minimum required separation distance, then no further action is required. The Noise Screening Process is based on the fact that the level of noise that may be perceived by a receptor decreases with increasing distance from the facility. At a certain distance the noise from the facility will be no greater or indistinguishable from the existing background noise at the receptor.

To complete the screening process applicants must:

Step 1:	Identify the closest Point of Reception to the facility. (Zoning Plan)
Step 2:	Determine the actual separation distance from the Point of Reception to the facility. (Scaled Area Location Plan)
Step 3:	Calculate the minimum required separation distance by completing the questionnaire on using the facility's North American Industrial Classification System Code and generic assumptions regarding the actual noise sources present at the facility.
Step 4:	Compare the actual separation distance determined in Step 2 with the minimum required separation distance calculated in Step 3 and sign the form.

If the minimum required separation distance is less than the actual distance then the applicant is not required to complete any further assessment. The Noise Screening Process Form must be signed in order to be accepted.

The ministry may require a detailed assessment even if the application passes the screening process if the local District Office indicates the facility is an ongoing source of noise complaints.

5.2.2 Acoustic Assessment Report

If the closest Point of Reception is closer than the minimum required separation distance calculated in the Noise Screening Process then further assessment is required. The application may still be approved as proposed and noise control measures may not be necessary; however, a more detailed noise impact assessment using site specific information on the noise sources present at the facility must be completed. The purpose of the detailed noise assessment is to demonstrate that the noise levels produced by all sources within the facility under assessment, in combination with any noise mitigation measures, do not exceed the ministry noise limits at a point of reception. The noise impact assessment must be in the form of an Acoustic Assessment Report.

When making an application for equipment or processes that are sources of noise applicants must consider all sources of noise at the facility. Impacts from noise sources must be calculated at the time and location when the sound level produced by the source is at a maximum in relation to the background sound level referred to as the "Predictable Worst Case Impact".

The Acoustic Assessment Report must:

- identify the noise sources within the facility;
- quantify the noise emissions from sources; and
- demonstrate compliance with Ministry limits.

The Acoustic Assessment Report must be prepared in accordance with NPC 233. The ministry has provided a checklist for an Acoustic Assessment Report to indicate the minimum required information. This checklist is included as Appendix D. **Applications that require an Acoustic Assessment Report must include a signed checklist.**

5.3 Vibration Assessment Report

The ministry has published the following document that outlines vibration guidelines:

- Publication NPC-207 draft technical publication "Impulse Vibration in Residential Buildings", November 1983, as amended, supplementing the Model Municipal Noise Control By-Law, Final Report, August 1978, published by the Ministry

The document is available by contacting a Client Service Representative.

Applications that include large vibration sources such as stamping presses or large rotating equipment may be required to submit a vibration assessment.

If vibration sources are present at a facility then a detailed vibration impact assessment is required. The purpose of the detailed vibration assessment is to demonstrate that the vibration levels produced by all sources within the facility under assessment, in combination with any vibration mitigation measures, do not exceed the ministry vibration guidelines at a point of reception. The Vibration Assessment Report must be prepared in accordance with NPC 233.

PART 6 – ADDITIONAL INFORMATION FOR A BASIC COMPREHENSIVE CERTIFICATE OF APPROVAL

A Basic Comprehensive CofA (Comprehensive CofA) is a single Certificate of Approval (Air) that replaces existing Certificate(s) of Approval (Air) and includes all sources of emissions from the facility, including new or historically unapproved sources of all emissions from the facility. The Comprehensive CofA requires that the Comprehensive CofA holder be accountable to demonstrate ongoing compliance with the General Air Pollution Regulation (O. Reg. 346) and other performance requirements in accordance with the conditions in the Comprehensive CofA. Further, a Comprehensive CofA may permit some modifications such as process changes, de-bottlenecking or the addition of new equipment within an Operating Envelope defined by the certificate and subject to the limited Operational Flexibility conditions specified on the Comprehensive CofA.

Applicants for a Comprehensive CofA must include additional information above and beyond the minimum information requirements in the Procedure Document with the application to define this Operating Envelope. The Operating Envelope is defined by all of the following:

- The Description Section that describes the processes in operation at the facility and
- The Facility Production Limit specified on the Certificate and
- The restriction on the installation or modification of Equipment with Specific Operating Limits and
- The requirement to be in compliance with the Performance Limits.

The Comprehensive CofA holder is approved to make modifications within the Operating Envelope; modifications that would result in a change at the facility outside of this Operating Envelope require an amendment to the Comprehensive CofA.

The Comprehensive C of A holder is not approved to made modifications to the facility that are undertakings subject to the *Environmental Assessment Act* or Ontario Regulation 116/01 the Electricity Regulation made under that Act.

The conditions that permit the Limited Operational Flexibility have an expiry date, typically set five years from the date of the CofA. The approval, aside from the Limited Operational Flexibility conditions remains in force after this expiry date and operations can continue, however, if the Comprehensive CofA holder wishes to continue to operate with Limited Operational Flexibility then the Comprehensive CofA holder must submit an amendment to extend the expiry date for the Limited Operational Flexibility conditions. The Operating Envelope may be amended at that time. If the Comprehensive CofA holder does not want to extend the expiry date for the Limited Operational Flexibility conditions, the Comprehensive CofA holder must submit an application to amend Schedule C of the Comprehensive CofA to include the current ESDM Report.

This section provides guidance to applicants in defining the Operating Envelope for their facilities. For more information on the Comprehensive CofA applicants are encouraged to review the “Basic Comprehensive Certificate of Approval User Guide” Version 2.0 dated April 2004 available at <http://www.ene.gov.on.ca/envision/gp/4391e.pdf>

6.1 Description Section

The applicant must provide a description of the unit processes at the facility in addition to the detailed listing of equipment/sources provided in the ESDM Report. This description will be used by the Review Engineer to develop a Description Section that will be placed on the CofA. The Description Section lists the main processes that are conducted at the facility.

A Comprehensive CofA holder may make modifications, as defined by the Comprehensive CofA, that do not change the nature of the operations of the facility as described in the Description Section on the certificate and in the original application as long as the effects of these modifications meet the requirements of all other conditions of the certificate, most notably compliance with the Performance Limits. Modifications that will alter the facility and will result in a change to the nature of emissions that was not considered by the Director in issuing the Comprehensive CofA are not approved by the Limited Operational Flexibility Conditions.

Examples of modifications that may be approved by a Comprehensive CofA because they would not alter the Description Section include, but are not limited to:

- a relocation of an emission point;
- addition of pollution control equipment;
- product reformulation or model year updates such as paint colour change;
- an increase or change in the rate of use or composition of raw materials;
- debottlenecking;
- introduction of new product lines and related retooling and equipment installation; or
- changes to ancillary operations such as welding or non process heating.

The Description Section must be developed with care so that the description is explicit enough to describe the operations that are conducted at the facility but allows for the Limited Operational Flexibility.

For example, a printing operation that is applying for a Comprehensive CofA would list the exact specification of the printing presses and all other equipment provided in the ESDM Report and the Description Section may read:

“A print process facility that manufactures books and other printed materials, consisting of the following processes and support units:

- Aluminum Print Plate Developing;
- Paper Printing;
- Coating (book covers);
- Binding (hot melt stations); and

- Packaging, Warehousing, Shipping (raw products and finished products).

Including the equipment, processes and any other ancillary and support processes and activities.”

In this case the Description Section lists the main process at the facility and defines this component of the Operating Envelope.

6.2 Facility Production Limit

The applicant must provide a numerical value that represents the overall production limit or capacity of the facility. This production limit will be used by the Review Engineer to define a Facility Production Limit that will be placed on the CofA. This production limit relates to the main product or product(s) produced at the facility and represents the design capacity of the facility’s operations.

A Comprehensive CofA holder may make modifications, as defined by the Comprehensive CofA, up to an approved Facility Production Limit as described in the certificate and in the original application as long as the effects of these modifications meet the requirements of all other conditions of the certificate, most notably compliance with the Performance Limits. Modifications that will increase the production above the Facility Production Limit listed on the CofA are not approved by the Limited Operational Flexibility Conditions.

The Facility Production Limit should be consistent with the manner in which the applicant describes the capacity of the facility in comparison to other facilities owned by the applicant or with common industry specific measures of production (for example, units produced per year or tonnage throughput). Where an applicant assembles one value added product the Facility Production Limit would likely be placed on the end product. Alternatively, if the applicant makes many products from one raw material the Facility Production Limit would likely be placed on the raw material.

The Facility Production Limit is linked to the assumptions used to develop the Maximum Emission Rate Scenario described in the ESDM Report; however, the Facility Production Limit does not have to be the Maximum Emission Rate scenario at the time of application. The Maximum Emission Rate Scenario is used to assess O. Reg. 346 compliance with the Performance Limits. At the time of application and for each subsequent modification, the Maximum Emission Rate Scenario should be reflective of the actual operating conditions of the facility which may be less than the Facility Production Limit set at the time of application in order to allow for debottlenecking and production increases that are the subject of the application for a Comprehensive CofA. Comprehensive CofA holders are responsible to track both the Facility Production Limit and the Maximum Emission Rate Scenario.

An example of how the Facility Production Limit and the Maximum Emission Rate Scenario relate is provided below.

A manufacturing facility produces sprockets. When the facility was built the design capacity was one million sprockets per year, which is set as the Facility Production Limit. However, the facility has not been able to produce sprockets at this capacity. In this case the Maximum Emission Rate Scenario would be based on the actual sprocket production, say 100 sprockets per half hour. Assuming linear production and that the facility operates on two, 40 hour shifts for 52 weeks a year, this would equate to 832,000 sprockets per year as calculated below:

100 Sprockets	40 Hours	52 Weeks	2 Shifts	= 832,000 sprockets/year
0.5 hour	1 week	1 year		

At no time can the Maximum Emission Rate Scenario be above a rate that would exceed the Facility Production Limit.

The intent for this limit is to require a formal amendment to the Comprehensive CofA for a significant production increase above the facility's design capacity at the time of application. The Facility Production Limit cannot be set at a level that would require significant plant expansion the details of which are not under consideration at the time of application. Applicants for existing facilities should provide previous year's production data to support the Facility Production Limit.

Care must be taken in establishing the Facility Production Limit to balance the need to define the Operating Envelope and so as not to prevent an increase production from the actual level at the time of application to the existing design capacity. The Facility Production Limit will be set after discussion with the Review Engineer.

Through the Comprehensive CofA the Section 9 Director approves modifications for ancillary operations such as welding or non process heating so long as any modifications are within the Operating Envelope i.e. do not alter the Description Section as noted above and are in compliance with the Performance Limits.

6.3 Equipment with Specific Operational Limits

The Section 9 Director in reviewing certain types of equipment considers specific criteria in addition to O. Reg. 346 compliance during the CofA review process as outlined in Part 2 of this Guide to Applying. This type of equipment includes: equipment related to the thermal oxidation of waste or waste derived fuels, fume incinerators or any equipment specifically referenced in any published ministry policy or guideline document that specifies criteria that the Director must consider in the Section 9 approval process. The Comprehensive CofA places additional requirements on this type of equipment and this equipment will be explicitly described on in Description Section of the CofA.

The Comprehensive CofA uses a defined term "Equipment with Specific Operational Limits" to identify this type of equipment considered as part of the Comprehensive CofA. The Limited

Operational Flexibility conditions do not allow the addition of new Equipment with Specific Operational Limits that are not already listed on the CofA. If a Comprehensive CofA holder wishes to add any Equipment with Specific Operational Limits after the Comprehensive CofA is issued, (for example the addition of a large boiler subject to the CCME Canada Wide NO_x standards), then the Comprehensive CofA holder must first obtain an amendment to this Certificate.

Applicants must submit the information to show compliance with the applicable Regulation or Guideline if the application includes this type of equipment.

In addition, the Comprehensive CofA holder must operate Equipment with Specific Operational Limits listed on the CofA in accordance with the conditions on the CofA and the information submitted with the original ESDM Report included with the application for a Comprehensive CofA.

If a Comprehensive CofA holder wishes to modify any Equipment with Specific Operational Limits, (for example modification of a paint used in a line controlled by a fume incinerator), then this alteration must be within the equipment specific operating envelope defined by the limited operational conditions in the Comprehensive CofA and in the original application. This equipment specific operating envelope may possibly be defined by the destruction efficiency, mass loading, volumetric flow rate, time and temperature requirements and total hydrocarbon emissions of the fume incinerator. If modifications are proposed outside this equipment specific operating envelope then the Comprehensive CofA holder must first obtain an amendment to this Certificate. The equipment specific operating envelope for this type of equipment will be set after discussion with the Review Engineer.

6.4 Performance Limits

Like all applicants, the applicant for a Comprehensive CofA must provide an ESDM Report. This ESDM Report must include all sources and contaminants emitted from the facility. The Comprehensive CofA has specific conditions that place Performance Limits on the facility. These Performance Limits are based on O. Reg. 346 and the ministry's noise guidelines. Modifications are permitted within the Operating Envelope as outlined above provided the Comprehensive CofA holder is in compliance with the Performance Limits at all times. The Comprehensive CofA places specific documentation requirements on a Comprehensive CofA holder to demonstrate that the Performance Limits are being met.

6.5 EBR Proposal Notification

Like all applicants, the applicant for a Comprehensive CofA must provide a project description that will be used in the notice of application that is posted on the Environmental Bill of Rights, Environmental Registry. The project description has been standardized so that important information regarding the Comprehensive CofA is included with the posting.

Applicants must use the following wording and complete the sections as indicated.

“This proposal is for a Basic Comprehensive Certificate of Approval(Air) which is a single Certificate of Approval that replaces the existing Certificate(s) of Approval(Air) and includes the addition of new or historically unapproved sources for all emissions from the [Insert business name/type of manufacturing facility e.g. ACME Widget Manufacturing] producing;

[Insert type of products e.g. cogs and sprockets] The application includes all sources at the facility including [List main categories of sources for example: manufacturing operations including component assembly and painting operations, maintenance activities and non process sources of combustion] “

In addition the ministry will include additional information on the Comprehensive CofA as follows under the section of the Notice titled “Other Pertinent Information” as follows:

The Basic Comprehensive Certificate of Approval(Air) requires that the company demonstrate compliance on an ongoing basis with Ontario Regulation 346, applicable Ministry Guidelines for Air and Noise and other performance requirements as specified in their conditions. It permits modifications such as process changes, de-bottlenecking or addition of new equipment subject to limits on operational flexibility that include a production limit for the facility to be specified on the Basic Comprehensive Certificate of Approval(Air). The limited operational flexibility conditions have a five year expiry date. The company will be required to make application for amendment at that time to renew these conditions. Of specific public interest, one condition that will be included on the Basic Comprehensive Certificate of Approval(Air) will require the company to make available, at all times, at the facility for inspection by interested members of the Public a table (Emission Summary Table) that documents the facility’s compliance with Ontario Regulation 346.

Appendix A

Guidance Documents Related to the Section 9 Application Process

Guidance Document Title	Brief Description	PIBS #	Date
Procedure for Preparing an Emission Summary and Dispersion Modeling Report	Outlines minimum requirements for an Emission Summary and Dispersion Modeling Report.	3614e01	Jun-98
Section 9 Application Form for Approval (Air and Noise)	Required application form to obtain a Section 9 Approval.	4173	Feb-05
Fact Sheet: Basic Comprehensive CofA (Air)	Provides information on the Basic Comprehensive CofA.	4392	Apr-02
Basic Comprehensive CofA (Air): A Users Guide	Outlines minimum requirements to demonstrate compliance with the terms and conditions of the Basic Comprehensive CofA	4391	Apr-04
Noise Screening Process for S. 9 Applications	Supplement to Application for Approval	4871	Feb-05
Supporting Information for a Maximum Ground Level Concentration Acceptability Request	Supplement to Application for Approval, EPA S.9	4872	Feb-05
Supporting Information Worksheet	Supplement to Application for Approval, EPA S.9	4873	Feb-05
Guide: Application Costs for Air Emissions	Explains the method to calculate the fee required to accompany all Section 9 Applications	4175	Aug-98
Costs for EPA s.9 Applications	Calculation Form for the fee required to accompany all Section 9 Applications	4108	Feb-05
Summary of Point of Impingement Standards, Point of Impingement Guidelines, and Ambient Air Quality Criteria	Lists Point of Impingement Limits for comparison in an Emission Summary and Dispersion Modeling Report	2424	Feb-05
NPC 205 - Sound Level Limits For Stationary Sources In Class 1 & 2 Areas(Urban)	Provides noise assessment criteria for urban areas	3406	Oct-95
Impulse Vibration in Residential Buildings - NPC 207	Provides vibration assessment criteria	4566	Nov-83
NPC-232 Sound Level Limits For Stationary Sources In Class 3 Areas(Rural)	Provides noise assessment criteria for rural areas	3405	Oct-95
NPC 206 - Sound Levels Due To Road Traffic	Outlines method to calculate background noise from traffic to be included in Acoustic Assessment Reports	3407	Oct-95

Guidance Document Title	Brief Description	PIBS #	Date
NPC-233 Information To Be Submitted For Approval Of Stationary Sources Of Sound	Outlines minimum requirements for an Acoustic Assessment Report or an Acoustic Audit	3404	Oct-95
Noise Red Flag Tables	Provides calculations to determine minimum separation distance from specific noise sources for use in a screening assessment	4322	1997
Combustion Equipment Data Sheet	Data sheet used by Streamline Review Unit in review of Section 9 applications	4130	No Date
Emergency Generator Data Sheet	Data sheet used by Streamline Review Unit in review of Section 9 applications	4131	No Date
Paint Spray Booth Data Form, Supplemental to Application for Approval (Air and Noise) for Automotive Refinishing Operations	Data sheet used by Streamline Review Unit in review of Section 9 applications	4132e	Dec-04
Consultants' report: Proposed Guidance For Air Dispersion Modeling	Provides insight into recommended modeling approaches and consistency in the modeling methods.	3614e00	Nov-03

Note: all of the above guidelines are available from the Ministry's web-site at:
<http://www.ene.gov.on.ca> with the exception of:

PIBS 4566 - Impulse Vibration in Residential Buildings - NPC 207
PIBS 4322 - Noise Red Flag Tables

Appendix B

Air Pollution Related Regulations under the *Environmental Protection Act*

Regulation Title	Brief Description
Regulation 336: Air Contaminants from Foundries	Includes emission limits and requirements for particulate emissions.
Regulation 337: Ambient Air Quality Criteria	Includes desirable air quality criteria for various compounds.
Regulation 338: Boilers	Includes fuel sulphur content limit of 1 percent by weight for fuel oil and coal combustion in boilers.
Regulation 346: General Air Pollution	Includes point of impingement limits for a variety of compounds.
Regulation 349: Hot Mix Asphalt Plants	Includes emission limits for particulate limits (for both stationary and portable asphalt plants).
Regulation 352: Mobile PCB Destruction Facilities	Includes emission limits and other operating requirements.
Regulation 356: Ozone Depleting Substances – General	Includes schedules for bans and phase-outs of various ozone depleting materials.
Regulation 189/94: Refrigerants	Includes schedules for bans and phase-outs of various ozone depleting materials.
Regulation 413: Halons	Controls the use of halons in fire extinguishing equipment.
Regulation 455/94: Stage I Vapour Recovery	Requires gasoline facility operators to install, maintain and operate gasoline vapour recovery systems at gasoline distribution facilities, bulk plants, service stations and cargo trucks.
Regulation 717/94: Solvents	Phases-out solvents containing Class 1 ODS by July/96 and solvents containing HCFCs by Jan/2000.
Regulation 718/94: Sterilants	Phases-out sterilants used as diluents for the sterilization of medical devices by Jan/96 and sterilants containing HCFCs by Jan/2000.

Appendix C

Air Pollution Related Guidelines

Guideline Title	Brief Description
Guideline A-1: Combustion and Air Pollution Requirements for New Biomedical Waste Incinerators	Includes minimum temperature and retention time requirements and in-stack emission limits for selected contaminants.
Guideline A-5: Atmospheric Emissions from Stationary Combustion Turbines	Includes emission limits and monitoring requirements for combustion turbines.
Guideline A-7: Combustion and Air Pollution Control Requirements for New Municipal Waste Incinerators	Includes design and operation requirements; emission limits; and monitoring requirements for the incineration of municipal waste material.
Guideline A-8: Implementation of Canada-wide Standards for Emissions of Mercury and of Dioxins and Furans	Adopts the CCME standard for Mercury, Dioxin and Furans and specifies Monitoring and Reporting Requirements for Municipal Waste Incinerators, Biomedical Waste Incinerators, Sewage Sludge Incinerators, Hazardous Waste Incinerators, Steel Manufacturing Electric Arc Furnaces, Iron Sintering Plants (June 2003)
Guideline A-9: NO _x Emissions from Boilers and Heaters	Adopts the National Emission Guideline for Commercial/Industrial Boilers and Heaters, approved by the Canadian Council of Ministers of the Environment in March, 1998.
Interim Design and Review Guidelines for Wood Fired Combustors	Outlines requirements for the design and operation of wood-fired combustors.
Guideline F-1: Particulate Emissions at New Cement Plants	Establishes emission limits for particulate matter emitted by new cement plants based on production.

Note: all of the above guidelines (except the Wood Fired Combustors guideline) are available from the Ministry's web-site at: <http://www.ene.gov.on.ca>

Appendix D

ACCOUSTIC ASSESSMENT REPORT CHECK-LIST

Company Name: _____

Company Address: _____

Facility Location: _____

Company Contact: _____

Phone Number: _____

The attached Acoustic Assessment Report was prepared in accordance with the guidance in the ministry document "Information to be Submitted for Approval of Stationary Sources of Sound" (NPC 233) dated October 1995 and the minimum required information identified in the check-list on the reverse of this sheet has been submitted.

Name: _____

Position: _____

Representing: _____

Phone Number: _____

Signature: _____

Date: _____

ACOUSTIC ASSESSMENT REPORT CHECKLIST

Required Information		Submitted	Explanation/Reference
1.0	Introduction (Project Background and Overview)	<input type="checkbox"/> Yes	
2.0	Facility Description		
	2.1 Operating hours of facility and significant Noise Sources	<input type="checkbox"/> Yes	
	2.2 Site Plan identifying all significant Noise Sources	<input type="checkbox"/> Yes	
3.0	Noise Source Summary		
	3.1 <i>Noise Source Summary Table</i>	<input type="checkbox"/> Yes	
	3.2 Source noise emissions specifications	<input type="checkbox"/> Yes	
	3.3 Source power/capacity ratings	<input type="checkbox"/> Yes	
	3.4 Noise control equipment description and acoustical specifications	<input type="checkbox"/> Yes	
4.0	Point of Reception Noise Impact Calculations		
	4.1 <i>Point of Reception Noise Impact Table</i>	<input type="checkbox"/> Yes	
	4.2 Point(s) of Reception (POR) list and description	<input type="checkbox"/> Yes	
	4.3 Land-use Zoning Plan	<input type="checkbox"/> Yes	
	4.4 Scaled Area Location Plan	<input type="checkbox"/> Yes	
	4.5 Procedure used to assess noise impacts at each POR	<input type="checkbox"/> Yes	
	4.6 List of parameters/assumptions used in calculations	<input type="checkbox"/> Yes	
5.0	Acoustic Assessment Summary		
	5.1 <i>Acoustic Assessment Summary Table</i>	<input type="checkbox"/> Yes	
	5.2 Rationale for selecting applicable noise guideline limits	<input type="checkbox"/> Yes	
	5.3 Predictable Worst Case Impacts Operating Scenario	<input type="checkbox"/> Yes	
6.0	Conclusions		
	6.1 Statement of compliance with the selected noise performance limits	<input type="checkbox"/> Yes	
7.0	Appendices (Provide details such as)	<input type="checkbox"/> Yes	
	Listing of Insignificant Noise Sources	<input type="checkbox"/> Yes	
	Manufacture's Noise Specifications	<input type="checkbox"/> Yes	
	Calculations	<input type="checkbox"/> Yes	
	Instrumentation	<input type="checkbox"/> Yes	
	Meteorology during Sound Level Measurements	<input type="checkbox"/> Yes	
	Raw Data from Measurements	<input type="checkbox"/> Yes	
	Drawings (Facility / Equipment)	<input type="checkbox"/> Yes	

